

Proposed

**Kansas Department for Children and Families
Notice of Public Hearing on Proposed Administrative Regulations
March 8, 2024**

A public hearing will be conducted on Friday, March 8, 2024, at 10:00 a.m. in Room 1033 of the DCF Administration Building, 555 S. Kansas Ave., Topeka, Kansas to consider the adoption of proposed rules and regulations of Juvenile Crisis Intervention Centers, Department for Children and Families.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Leslie Rannebeck at leslie.rannebeck@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Jenalea Randall at (785) 296-8467.

The proposed regulations can be viewed at the following website:

<https://www.dcf.ks.gov/Newsroom/Documents/DCF%20Article%2047%20AG%20approved.pdf>. The economic impact statement can be found: www.dcf.ks.gov/Newsroom/Documents/Economic_Impact_Statement-Rules_and_Regulations-JCIC%209-22-2023.pdf

Summaries of the proposed regulations and economic impact follow. Most of the proposed new regulations are to clarify and implement state statute and federal legislation that are already in effect.

K.A.R. 30-47-100 and K.A.R. 30-47-102 – 30-47-127 – The Kansas Department for Children and Families (DCF) is promulgating regulations applicable to Juvenile Crisis Intervention Centers (JCIC), as defined in K.S.A. 65-536. The statute describes an intervention center as a facility that provides short-term observation, assessment, treatment, case planning and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to themselves or others.

Economic Impact

K.S.A. 65-536 (h) provided funding, not to exceed \$2,000,000 annually, from the evidence-based programs account of the state general fund or other available appropriations for juvenile crisis intervention services in the secretary of corrections budget. Kansas Department of Corrections – Juvenile Services previously budgeted this \$2,000,000 as a recommendation from the Juvenile Justice Oversight Committee to use evidence-based funds to support base funding of a JCIC. The \$2 million was an estimate of cost for the services and there still are no expenditures to apply to those funds since no JCICs have been established. There are no revenues to report. DCF had expenditures for the promulgation of the rules and regulations, but those were minimal and absorbed within DCF's budget.

Laura Howard
Secretary, Kansas Department for Children and Families

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30-47-100. License fees. Each applicant or licensee submitting an application for a license or for the renewal of a license shall include the appropriate nonrefundable license fee, as follows:

(a) For each child-placement agency as defined in K.S.A. 65-503 and amendments thereto, \$75;

(b) for each child care resource and referral agency as defined in K.S.A. 65-503 and amendments thereto, \$75; and

(c) for each of the following child care facilities with a license capacity of 13 or more children, \$35 plus \$1 for each child included in the license capacity, with the total not to exceed \$75, and for each of the following child care facilities with a license capacity of 12 or fewer children, \$15:

(1) Attendant care facility, as defined in K.A.R. 28-4-285;

(2) detention center or secure care center, as defined in K.A.R. 28-4-350;

(3) residential center or group boarding home, as defined in K.A.R. 28-4-268;

(4) secure residential treatment facility, as defined in K.A.R. 28-4-330.

(Authorized by K.S.A. 65-505, 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-505; effective P-_____.)

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30-47-102. Definitions. For the purpose of K.A.R. 30-47-101 through K.A.R. 30-47-127, the following terms and definitions shall apply:

- (a) "Administrative director" means the individual employed by a juvenile crisis intervention center who is responsible for the daily operation of the center.
- (b) "Applicant" means a person who has applied for a license but who has not yet been granted a temporary permit or a license to operate a juvenile crisis intervention center.
- (c) "Authorized medical practitioner" means a licensed physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, an APRN, or registered nurse.
- (d) "Auxiliary staff member" means a type of staff member working at a juvenile crisis intervention center in food services, clerical services, or maintenance.
- (e) "Basement" means each area in a building with a floor level more than 30 inches below ground level on all sides.
- (f) "Case management" means the provision of services directly by the staff members or through another contracted provider.
- (g) "Case manager" means an individual who is designated by the permittee or licensee to coordinate the provision of services to juveniles by staff members or other individuals or agencies and who meets the requirements for a case manager in K.A.R. 30-47-108.
- (h) "Case plan" means means the comprehensive written goals and services developed for each juvenile.
- (i) "Center" means juvenile crisis intervention center.
- (j) "Clinical director" means the individual at a juvenile crisis intervention center who is responsible for the mental health services and who meets the requirements for a clinical

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director in K.A.R. 30-47-108.

(k) "Department" means Kansas department for children and families.

(l) "Designee" means a person who has the same minimum qualifications as those of another staff member and who has been selected to carry out a duty or role of that staff member.

(m) "Direct care staff member" means an individual whose primary responsibility is to implement the program on a daily basis, including providing direct supervision of, interaction with, and protection of the juveniles and who meets the requirements for a direct care staff member in K.A.R. 30-47-108.

(n) "Direct supervision" means the physical presence of staff members in proximity to allow for interaction and direct eye contact with juveniles.

(o) "Facility" means a type of child care facility, pursuant to K.S.A. 65-503 and amendments thereto, that meets the requirements in K.S.A. 65-535, and amendments thereto.

(p) "Head of a juvenile crisis intervention center" means the administrative director or the person's designee.

(q) "In-service training" means job-related training provided for staff members and volunteers.

(r) "Isolation" means the removal of a juvenile from other juveniles to a separate locked room or quarters.

(s) "Juvenile" means an individual under 18 years of age.

(t) "Juvenile crisis intervention center" means a facility operated by a permittee or

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licensee that provides short-term observation, assessment, treatment and case planning, and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to self or others.

(u) "License capacity" means the maximum number of juveniles authorized to be in the juvenile crisis intervention center at any one time.

(v) "Licensed physician" means an individual who is licensed to practice either medicine and surgery or osteopathy in Kansas by the Kansas state board of healing arts.

(w) "Licensee" means a legal business entity that has been granted a license to operate a center.

(x) "Likely to cause harm to self or others" has the meaning specified in K.S.A. 65-536, and amendments thereto.

(y) "Living unit" means the self-contained building or portion of a building in which a juvenile crisis intervention center is operated and maintained, including the sleeping rooms, bathrooms, and dayroom for activities.

(z) "Permittee" means a legal business entity that has applied for a license and has been granted a temporary permit by the secretary to operate a center.

(aa) "Placing agent" means an entity having the legal authority to place a juvenile in a juvenile crisis intervention center.

(bb) "Professional staff member" means a staff member who is one of the following:

(1) The clinical director;

(2) a licensed physician;

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(3) a licensed psychiatrist qualified to evaluate, assess, and treat addictions or substance abuse and other mental health disorders;

(4) an individual licensed by the Kansas behavioral sciences regulatory board;

(5) a teacher licensed by the Kansas state department of education;

(6) a physician's assistant licensed in Kansas by the Kansas state board of healing arts;

(7) a professional nurse licensed by the Kansas state board of nursing;

(8) an advanced practice registered nurse (APRN) licensed by the Kansas state board of nursing and qualified to evaluate, assess, and treat addictions or substance abuse and other mental health disorders;

(9) a dietician licensed by the Kansas department for aging and disability services; or

(10) a case manager, who shall have a bachelor's degree in behavioral science.

(cc) "Program" means the comprehensive and coordinated set of activities and social services providing for the care, health, and safety of juveniles while in the care of the juvenile crisis intervention center.

(dd) "Qualified mental health professional" has the meaning specified in K.S.A. 65-536, and amendments thereto.

(ee) "Regularly" means occurring on three or more occasions in a 12-month period.

(ff) "Renewal date" means 12 months after the date on which a license is issued.

(gg) "Secretary" means secretary of the Kansas department for children and families.

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(hh) "Shared space" means locations on the premises used by more than one child care program at different times.

(ii) "Staff member" means any individual employed at a center, including auxiliary staff members, direct care staff members, the administrative director, and professional staff members.

(jj) "Trauma-informed care" means the services provided to juveniles based on an understanding of the vulnerabilities and the emotional and behavioral responses of trauma survivors.

(kk) "Trauma-specific intervention" means intervention techniques designed specifically to address the consequences of trauma in juveniles and to facilitate recovery, including the interrelation between presenting symptoms of trauma and each juvenile's past history of trauma.

(ll) "Treatment" has the meaning specified in K.S.A. 65-536, and amendments thereto.

(mm) "Tuberculosis test" means either the Mantoux skin test or an interferon gamma release assay (IGRA).

(nn) "Volunteer" means an individual over the age of 14 who provides an unpaid service at the center.

(oo) "Weapons" means any dangerous or deadly instruments, including the following:

- (1) Firearms;
- (2) ammunition;
- (3) air-powered guns, including BB guns, pellet guns, and paint ball guns;
- (4) any knives, except knives designed and used for table service;
- (5) archery equipment; and

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(6) martial arts equipment. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085;
implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-103. Application process. (a) Each applicant shall submit a complete application on forms provided by the department. The application shall be submitted at least 90 calendar days before the planned opening date of the juvenile crisis intervention center and shall include the following:

- (1) A description of the program and services to be offered, including the following:
 - (A) A statement of the center's purpose and goals;
 - (B) the number, ages, and gender of prospective juveniles;
 - (C) specification of how the center has consulted with and will maintain ongoing communications with local authorities, including city officials, county officials, and law enforcement officials; and
 - (D) policies and procedures to individually assess and stabilize juveniles upon admission;
- (2) the anticipated opening date;
- (3) a request for the background checks for staff members and volunteers specified in

K.A.R. 30-47-105;

- (4) the center's policies and procedures required in subsection (d); and
- (5) the license fee totaling the following:
 - (A) \$75.00; and
 - (B) \$1 multiplied by the maximum number of juveniles to be authorized under the license.

(b) Each applicant shall be one of the following entities:

- (1) A government or governmental subdivision; or
- (2) a private entity, accredited by a national accrediting body that is approved by the secretary, other than a government or governmental subdivision, with a governing board that is

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responsible for the operation, policies, finances, and general management of the center. The administrative director shall not be a voting member of the governing board responsible for operation, policies, finances, and general management of the center. If the entity is not accredited at the time of application, accreditation shall be obtained within six months of receipt of a temporary permit.

(c) Each applicant, each permittee, and each licensee, if a corporation, shall be in good standing with the Kansas secretary of state. Each applicant shall also provide a current Kansas tax clearance statement from the Kansas department of revenue.

(d) Each applicant shall develop policies and procedures for operation of the center to meet the requirements in K.A.R. 30-47-101 through K.A.R. 30-47-127 and in K.S.A. 65-536, and amendments thereto.

(e) Each applicant shall submit to the department floor plans for each building that will be used as a juvenile crisis intervention center. Each floor plan shall show how the center is separated from any other child care facility. Each applicant shall obtain and submit to the department prior written approval from the Kansas state fire marshal regarding the safety of entrances and exits. Each applicant shall include a schedule for the use of all shared spaces demonstrating compliance with K.A.R. 30-47-107(b)(4).

(f) Each applicant shall notify the school district where the center is to be located within 90 calendar days of the planned opening date. The timely notification to the local school district may be waived by the secretary upon receipt of a written agreement by the local school district. The notification to the school district shall include the following:

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(1) The planned opening date and the number, age range, gender, and anticipated special education needs of the juveniles to be served;

(2) a statement that the juveniles will receive educational services on-site at the center, partially through coordination with the juvenile's home school district; and

(3) documentation that the notification was received by the school district within 90 calendar days of the planned opening date.

(g) Each applicant shall maintain documentation of completion of training required in K.A.R. 30-47-109 by each staff member and each volunteer before the opening date of the center.

(h) Each applicant, each permittee, and each licensee shall maintain documentation of compliance with all local and state building codes, fire safety requirements, and zoning codes.

(i) Each applicant, each permittee, and each licensee shall maintain liability and casualty insurance.

(j) The granting of a temporary permit or a license to any applicant may be refused by the secretary if the applicant is not in compliance with the requirements of all applicable statutes and regulations governing facilities. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-104. Terms of temporary permit or license. (a) Temporary permit or license required. No person shall operate a center unless the person has been issued a temporary permit or a license by the secretary.

(b) Requirements. Each permittee and each licensee shall ensure that the following requirements are met:

(1) Each temporary permit or license shall be valid only for the permittee or licensee and for the address specified on the temporary permit or the license. When an initial or amended license becomes effective, all temporary permits or licenses previously granted to the permittee or licensee at the same address shall become void.

(2) The maximum number, the age range, and the gender of juveniles authorized by the temporary permit or the license shall not be exceeded.

(3) The current temporary permit or the current license shall be posted in an area accessible to the public.

(c) New application required. A new application and the fee specified in K.A.R. 30-47-103 shall be submitted for each change of ownership or location at least 90 calendar days before the planned change.

(d) Changes. Each applicant, each permittee, and each licensee shall obtain the secretary's written approval before making any change in any of the following:

(1) The use or proposed use of the buildings;

(2) the physical structure of any building, including the following:

(A) An addition or alteration as specified in K.A.R. 30-47-107;

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(B) the use of locked entrances; and

(C) any delayed-exit mechanisms;

(3) the program, provided through either direct services or agreements with specified individuals or community resources, which shall include the following: ongoing communications protocols established with local law enforcement authorities; admission, discharge, referral or records transfer processes coordinated with treatment providers and community mental health centers; and emergency plan protocols established with local health care providers; or

(4) orientation topics or required in-service training.

(e) Renewals.

(1) Each licensee shall complete and submit an application for renewal on forms provided by the department, the fee specified in K.S.A. 65-505 and amendments thereto, and the request for background checks specified in K.A.R. 30-47-105, 90 calendar days before the renewal date.

(2) Failure to submit the renewal application and fee within 30 days after the renewal due date shall result in an assessment of a late renewal fee that is equal to the renewal fee, pursuant to K.S.A. 65-505 and amendments thereto, and may result in closure of the facility.

(f) Exceptions. Any applicant, permittee, or licensee may request an exception to a specific regulation. Each request shall be submitted to the secretary on a form provided by the department. The exception may be approved at the discretion of the secretary if the intent of the regulation is met in an alternative manner.

(1) A request for an exception may be granted if the secretary determines that the

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exception is not detrimental to the health, safety, and welfare of one or more juveniles or the family of a juvenile and the exception does not violate statutory requirements.

(2) Written notice from the secretary stating the nature of each exception and its duration shall be kept on file at the center and shall be readily accessible to the department.

(g) Amendments to license. Any licensee may submit a written request for an amended license.

(1) Each licensee who intends to change the terms of the license, including the maximum number, the age range, or the gender of juveniles to be served, shall submit a request for an amendment on a form provided by the department and a nonrefundable amendment fee of \$35. An amendment fee shall not be required if the request to change the terms of the license is made at the time of license renewal.

(2) Each request for a change in the maximum number, the age range, or the gender of juveniles to be served shall include written documentation of the notification to the school district where the center is located, as specified in K.A.R. 30-47-103.

(3) The licensee shall make no change to the terms of the license, including the maximum number of juveniles, the age range of juveniles to be served, the gender of juveniles, and the type of license, unless an amendment has been granted by the secretary in writing.

(h) Closure. Each center shall have policies and procedures related to the closure of the center. The policies and procedures shall include record retention for the center. Any applicant or permittee may withdraw the application for a license. Any licensee may submit, at any time, a request to close a facility operated by the licensee. If an application is withdrawn or a facility is closed, the current or temporary permit or license granted to the permittee or licensee for that

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facility shall become void. (Authorized by K.S.A. 65-505, 65-536, 75-3084, and 75-3085;
implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-105. Background checks. (a) With each initial application or renewal application, each applicant or licensee shall submit a request to conduct a background check by the Kansas bureau of investigation and a background check by the department in order to comply with K.S.A. 65-516, and amendments thereto. Each request shall be submitted on a form provided by the department and shall list the required information for each individual 14 years of age and older who will be residing, working, or volunteering in the center.

(b) Each applicant, each permittee, and each licensee shall submit a request to the department to conduct a background check by the Kansas bureau of investigation before each individual begins working, residing, or volunteering in the center.

(c) Each applicant, each permittee and each licensee shall submit a request for a fingerprint-based criminal records check of national crime information databases, conducted before an individual aged 14 or older begins working, residing or volunteering in the center.

(d) Background checks shall not be required for any juvenile admitted to a juvenile crisis intervention center.

(e) A copy of each request for a background check shall be kept on file at the center.
(Authorized by K.S.A. 65-516, 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-106. Operations. (a) Each permittee and each licensee shall be responsible for the operation of the juvenile crisis intervention center, including the following:

(1) Developing an organizational chart designating the hierarchy of authority and ensuring that all staff members know the hierarchy of authority;

(2) developing and implementing administrative policies and procedures for the operation of the juvenile crisis intervention center, which shall include sufficient staff members to supervise and provide services to juveniles;

(3) employing an administrative director; and

(4) employing a clinical director.

(b) Each permittee and each licensee shall implement policies and procedures for the operation of the juvenile crisis intervention center that shall include descriptions of all roles and responsibilities for each staff member and each volunteer.

(c) Each permittee and each licensee shall ensure the confidentiality of each juvenile's information.

(d) Each permittee and each licensee shall ensure that the program, all services, and living units of the juvenile crisis intervention center are separate from the living units used by any other child care facility and the children using those living units.

(e) Each permittee and each licensee shall ensure that each staff member and each volunteer is informed of and follows all written policies and procedures necessary to carry out that staff member's or volunteer's job duties.

(f) Each permittee and each licensee shall ensure that a copy of the regulations governing

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juvenile crisis intervention centers is kept on the premises at all times. A copy of the regulations shall be made available to all staff members.

(g) Each licensee shall review all contracts, agreements, policies, and procedures annually. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-107. Environmental requirements. (a) General building requirements.

(1) Each applicant, each permittee, and each licensee shall ensure that the center is connected to public water and sewage systems, where available. If public water and sewage systems are not available, each applicant shall obtain approval for any private water and sewage systems by the health authorities having jurisdiction over private water and sewage systems where the center is located.

(2) Each applicant, each permittee, and each licensee shall retain a licensed architect to develop the plans for any newly constructed building or for any major addition or major alteration to an existing building.

(A) For a new building, preliminary plans and outline specifications, including plot plans, shall be submitted to the department for review before beginning the final working drawings and specifications. Each applicant, each permittee, and each licensee shall submit the final working drawings, construction specifications, and plot plans to the department for review and written approval before the letting of contracts.

(B) For an addition or alteration to an existing building, each applicant, each permittee, and each licensee shall submit a written statement defining the proposed use of the construction and detailing the plans and specifications to the department for review and written approval before beginning construction.

(C) If construction is not begun within one year of submitting a proposal for a new building or an addition or alteration to an existing building, each licensee shall resubmit the plans and proposal to the department before proposed construction begins.

(b) Location and grounds. Each permittee and each licensee shall ensure that the

following requirements are met for the location and grounds of the center:

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(1) Community resources, including health services, police protection, and fire protection from an organized fire department, shall be available.

(2) There shall be at least 100 square feet of outside activity space available for each juvenile allowed to utilize each outdoor area at any one time.

(3) The outside activity area shall be free of physical hazards.

(4) Juveniles residing in the center shall not share space at the same time with another child care facility for any indoor or outdoor activities.

(c) Swimming pools. Each permittee and each licensee shall ensure that the following requirements are met if a swimming pool is located on the premises:

(1) The pool shall be constructed, maintained, and used in a manner that safeguards the lives and health of the juveniles.

(2) Each aboveground swimming pool shall be at least four feet high or shall been closed by a barrier on all four sides that is at least four feet high with self-locking gate that is kept closed. Steps shall be removed and stored away from the pool when the pool is not in use.

(3) Each aboveground pool with a deck or berm that provides a ground-level entry on any side shall be treated as an in-ground pool and shall meet the following:

(A) Swimming pools shall have a barrier on all sides at least four feet high.

(B) Swimming pools shall have their methods of access through the barrier equipped with a safety device, including a bolt lock.

(3) The pool shall be cleaned. The chlorine level and pH shall be tested before each use.

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The results of these tests shall be recorded and available. Each pool that is unable to be emptied after each use shall be equipped with a working pump and filtering system.

(4) An individual with current certification in CPR who can swim shall be in attendance while any juvenile is using a swimming pool.

(5) Each swimming pool shall be equipped with a lifesaving device that is sufficient length to reach the center of the pool from each edge of the pool.

(6) Legible safety rules shall be posted for the use of a swimming pool in a conspicuous location.

(d) Structural requirements and use of space. Each permittee and each licensee shall ensure that the center's design, structure, interior and exterior environment, and furnishings promote a safe, comfortable, and therapeutic environment for the juveniles.

(1) Each center shall be accessible to and usable by individuals with disabilities.

(2) Each center's structural design shall facilitate personal contact and interaction between staff members and juveniles.

(3) Each sleeping room shall meet the following requirements:

(A) Each room shall be assigned to and occupied by only one juvenile. No juvenile's room shall be in a basement.

(B) The minimum square footage of floor space shall be 80 square feet.

(C) The minimum ceiling height shall be seven feet eight inches over at least 90 percent of the room area.

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(D) An even temperature of between 68 degrees Fahrenheit and 78 degrees Fahrenheit shall be maintained, with an air exchange of at least four times each hour.

(E) Each sleeping room shall have a source of natural light.

(4) Access to a drinking water source and toilet facilities shall be available 24 hours a day.

(5) A separate bed with a level, flat mattress in good condition shall be provided for each juvenile. All beds shall be above the floor level. Each mattress has water-proof covering or shall be water-repellent and washed down and sprayed with disinfectant before reissue. The mattress materials and treatments shall meet the applicable requirements of the state fire marshal's regulations.

(6) Clean bedding, adequate for the season, shall be provided for each juvenile. Bed linen shall be changed at least once a week and whenever soiled.

(7) Adequate space for study and recreation shall be provided.

(8) Each living unit shall contain the following:

(A) Furnishings that provide sufficient seating for the maximum number of juveniles expected to use the area at any one time; and

(B) writing surfaces that provide sufficient space for the maximum number of juveniles expected to use the area at any one time and furnishings that are consistent with the needs of the juveniles.

(9) Each center shall have adequate central storage for household supplies, bedding, linen, and recreational equipment.

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(10) If a center has one or more dayrooms, each dayroom shall provide space for a variety of juvenile activities. Dayrooms shall be situated immediately adjacent to the juveniles' sleeping rooms but separated from the sleeping rooms by a floor-to-ceiling wall. Each dayroom shall provide at least 35 square feet for each juvenile expected to use the dayroom area at any one time.

(11) Each room used for sports and other physical activities shall provide floor space equivalent to at least 100 square feet for each juvenile utilizing the room for those purposes at any one time.

(12) Sufficient space shall be provided for visitation between juveniles and visitors. The center shall have space for the screening and search of juveniles and visitors, if screening and search are included in the center's policies and procedures. Private space shall be available for searches as needed. Storage space shall be provided for the secure storage of visitors' coats, handbags, and other personal items not allowed into the visitation area.

(13) A working telephone shall be accessible to staff members in all areas of the building. Emergency numbers, including those for the fire department, the police, a hospital, a licensed physician, the poison control center, and an ambulance, shall be posted by each telephone.

(14) A service sink and a locked storage area for cleaning supplies shall be provided in a room or closet that is well ventilated and separate from kitchen and living areas.

(15) The following requirements shall be met for bathrooms and drinking water at the center:

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(A) For each eight or fewer juveniles of each sex, at least one toilet, one lavatory, and either a bathtub or a shower shall be provided. All toilets shall be above floor level.

(B) Each bathroom shall be ventilated to the outdoors by means of either a window or a mechanical ventilating system.

(C) Toilet and bathing accommodations and drinking water shall be in a location accessible to sleeping rooms and living and recreation rooms.

(D) Drinking water and at least one bathroom shall be accessible to the reception and admission areas.

(E) Cold water and hot water not exceeding 120 degrees Fahrenheit shall be supplied to lavatories, bathtubs, and showers.

(F) Liquid soap, toilet paper, and paper towels shall be available in all bathrooms.

(e) Building maintenance. Each permittee and each licensee shall ensure that the following requirements are met for building maintenance of the center:

(1) Each building shall be clean at all times and free from vermin infestation.

(2) The walls shall be smooth, easily cleanable, and sound. Lead-free paint shall be used on all painted surfaces.

(3) The floors and walking surfaces shall be kept free of hazardous substances at all times.

(4) The floors shall not be slippery or cracked.

(5) Each rug or carpet used as a floor covering shall be slip-resistant and free from tripping hazards. A floor covering, paint, or sealant shall be required over concrete floors for all buildings used by the juveniles.

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- (6) All bare floors shall be swept and mopped daily.
- (7) A schedule for cleaning each building shall be established and maintained.
- (8) Washing aids, including brushes, dish mops, and other hand aids used in dishwashing activities, shall be clean and used for no other purpose.
- (9) Mops and other cleaning tools shall be cleaned and dried after each use and shall be hung on racks in a well-ventilated place.
- (10) Pesticides and any other poisons shall be used in accordance with the product instructions. These substances shall be stored in a locked area.
- (11) Toilets, lavatories, sinks, and other such accommodations in the living areas shall be cleaned each day. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-108. Personnel qualifications. (a) Each individual working or volunteering in a juvenile crisis intervention center shall be qualified by the temperament, emotional maturity, judgment, and understanding of children necessary to maintain the health, comfort, safety, and welfare of the juveniles in placement.

(b) Each staff member performing the duties of more than one position shall meet the minimum qualifications for each position held.

(c) Before employment, the following requirements shall be met:

(1) Each staff member and each volunteer who has contact with any resident shall provide a statement on a form provided by the department from an authorized medical practitioner stating that no physical or mental impairment prevents the individual from providing care for children or would otherwise represent a direct threat to the health, safety, or welfare of others.

(2) Each staff member and each volunteer involved in food preparation or service who will not have contact with any resident shall provide a statement on a form provided by the department from an authorized medical practitioner stating that no physical or mental impairment prevents the individual from preparing or serving food or would otherwise represent a direct threat to the health, safety, or welfare of others.

(3) Each staff member who requires accommodation of a physical or mental impairment to enable the staff member to perform that individual's duties without representing a direct threat to the health, safety, or welfare of others shall provide a statement on a form furnished by the department from an authorized medical practitioner stating that the accommodation specified is sufficient to enable the staff member to perform that individual's duties without representing a direct threat to the health, safety, or welfare of others.

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(4) Each staff member and each volunteer shall provide a record of a tuberculosis test or X-ray obtained not more than two years before employment. If there is a positive tuberculosis test or a history of a previous positive tuberculosis test, a chest X-ray shall be required unless there is documentation of a normal chest X-ray within the last 12 months. Proof of recommended treatment, according to the Kansas department of health and environment's tuberculosis prevention and control program's direction, shall be required. Documentation of each tuberculosis test, X-ray, and treatment results shall be kept confidentially and separate from personnel records.

(A) Compliance with the Kansas department of health and environment's tuberculosis prevention and control program shall be required following each exposure to active tuberculosis disease. The results of tuberculosis tests, X-rays, and treatment shall be kept confidentially and separate from personnel records.

(B) Each volunteer shall present documentation showing no active tuberculosis before serving in the center.

(5) If the permittee, the licensee, or the secretary has a reasonable belief, based on objective evidence, that a staff member has a medical condition that will pose a direct threat to the health, safety, or welfare of others, a medical examination shall be requested to determine whether the staff member is fit to perform that individual's job. The permittee or the licensee shall pay all costs associated with the medical examination. The staff member shall not continue to perform that individual's duties unless and until the staff member provides a statement from an authorized medical practitioner on a form provided by the department stating one of the following:

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(A) No physical or mental impairment prevents the individual from providing care for children or would otherwise represent a direct threat to the health, safety, or welfare of others.

(B) A specified accommodation of a physical or mental impairment is sufficient to enable the staff member to perform that individual's duties without representing a direct threat to the health, safety, or welfare of others.

(6) Each permittee and each licensee shall keep all statements by an authorized medical practitioner concerning any staff member in relation to that individual's ability or inability to perform that individual's duties and shall maintain these statements confidentially and separate from personnel records.

(d) Each administrative director shall possess the following:

(1) Knowledge of the principles, practices, methods, and techniques of administration and management;

(2) ability to train, supervise, plan, direct, and evaluate the work of others, as documented by experience, training, or a combination of both;

(3) ability to establish and maintain effective working relationships with others; and

(4) knowledge of principles and techniques of behavioral and mental health treatment and care of juveniles and of the growth, development, needs, and unique problems of juveniles.

(e) Each administrative director shall have at least a bachelor's degree. Each administrative director shall have at least three years of supervisory experience within a child care facility providing treatment to children.

(f) Each clinical director shall be licensed by the Kansas behavioral sciences regulatory board, the Kansas board of nursing, or the Kansas board of healing arts to diagnose and treat

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mental and behavioral disorders.

(g) Professional consultant services shall be available and shall include licensed physicians, dentists, nurses, clergy, social workers, psychologists, psychiatrists, teachers, dieticians, or others as approved by the secretary.

(h) Each staff member shall maintain current licensure, certification, or registration for that individual's profession.

(i) Each juvenile crisis intervention center shall have a clinical director who is responsible for oversight and implementation of the program.

(j) Each direct care staff member shall meet the following requirements:

(1) Be 21 years of age or older; and

(2) have a high school diploma or equivalent and have completed one of the following:

(A) two years of experience supervising children or juveniles in a child care facility; or

(B) 45 clock-hours of documented training in child care, child development, psychology, or a related field before assuming independent supervision duties over the juveniles.

(k)(1) Auxiliary staff members shall be available as needed for the operation of the juvenile crisis intervention center and the provision of services to juveniles.

(2) No auxiliary staff member shall be included in meeting the minimum ratio of direct care staff members to juveniles. Only direct care staff members shall be responsible for direct supervision of the juveniles.

(l) Each auxiliary staff member working in food service shall demonstrate compliance with all the following requirements through ongoing job performance:

(1) Knowledge of the nutritional needs of juveniles;

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(2) understanding of quantity food preparation and service;

(3) sanitary food handling and storage methods;

(4) understanding of individual, cultural, and religious food preferences. (Authorized by K.S.A. 65-101, 65-128, 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-109. Professional development; training. (a) Each staff member shall complete at least 10 clock-hours of orientation training within seven calendar days after the initial date of employment. The orientation training shall include the following topics:

- (1) The center's policies and procedures, including emergency procedures, behavior management, and discipline;
- (2) individual job duties and responsibilities;
- (3) confidentiality;
- (4) security procedures;
- (5) recognition of harm as a result of physical, mental, or emotional abuse or neglect or sexual abuse and the reporting requirements of K.S.A. 2019 Supp. 38-2223, and amendments thereto;
- (6) the symptoms of infectious disease, infection control, and universal precautions;
- (7) statutes and regulations governing juvenile crisis intervention centers;
- (8) the schedule of daily activities;
- (9) principles of trauma-informed care;
- (10) indicators of self-harming behaviors and suicidal tendencies; and
- (11) care and supervision of juveniles.

(b) Each direct care staff member shall complete an additional 40 clock-hours of orientation training before being counted in the ratio of direct care staff members to juveniles. The additional training shall include the following topics:

- (1) Crisis management;
- (2) human trafficking and exploitation;
- (3) indicators of self-harming behaviors or suicidal tendencies and knowledge of

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appropriate intervention measures;

(4) indicators of gang involvement;

(5) intervention techniques for problem or conflict resolution, diffusion of anger, and de-escalation methods;

(6) principles of trauma-informed care and trauma-specific intervention;

(7) report writing and documentation methods;

(8) the designated juvenile crisis intervention center safety intervention program.

(c) Each staff member shall complete at least 20 clock-hours of in-service training each year. In-service training topics shall be based on individual job duties and responsibilities, meet individual learning needs, and be designed to maintain the knowledge and skills needed to comply with center policies and procedures and the regulations governing juvenile crisis intervention centers.

(d) At least one staff member who is counted in the ratio of direct care staff members to juveniles and who has current certification in first aid and current certification in cardiopulmonary resuscitation shall be at the center at all times.

(e) If nonprescription or prescription medication is administered to juveniles, each permittee and each licensee shall designate professional staff members or direct care staff members to administer the medication. Before administering any medication, each designated staff member shall receive training in medication administration.

(f) Each person's in-service training shall be documented in that individual's personnel file.

(g) Each volunteer shall complete orientation training before volunteering at the facility.

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The orientation training shall include the following topics:

(1) Facility policies and procedures, including emergency procedures, behavior management, and discipline; and

(2) confidentiality. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-110. Scheduling and direct supervision. (a) Each permittee and each licensee shall develop and implement a written schedule for professional staff members and shall include requirements for scheduling staff members as follows:

(1) A psychiatrist or advanced practice registered nurse shall be available 24 hours per day, seven days per week.

(2) Nursing staff shall be available on-site from 7 a.m. to 11 p.m.

(3) A qualified mental health professional shall be available for consultation 24 hours per day, seven days per week and on-site from 8 a.m. to 8 p.m.

(b) Each permittee and each licensee shall develop and implement a written daily staff member schedule. The schedule shall meet the required staffing ratios of direct care staff members to juveniles at all times.

(1) The schedule shall provide for a sufficient number of staff members on the living unit to provide direct supervision at all times and to provide for each juvenile's physical, social, emotional, and educational needs.

(2) The schedule shall provide for a minimum staffing ratio of one direct care staff member for every six juveniles.

(3) At least one direct care staff member of the same sex as the juveniles shall be present, awake, and available to the juveniles at all times. If both male and female juveniles are present in the center, at least one male and one female direct care staff member shall be present, awake, and available.

(c) At no time shall there be fewer than two direct care staff members present on the living unit when one or more juveniles are in care.

(d) Alternate direct care staff members shall be provided for the relief of the

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scheduled direct care staff members on a one-to-one basis and in compliance with the staffing ratios of direct care staff members to juveniles.

(e) Only direct care staff members shall be counted in the required staffing ratio.

(f) Policies and practice regarding direct supervision shall provide for adequate staff and shall include the following requirements:

(1) No juvenile shall be left without direct supervision.

(2) Electronic supervision shall not replace the ratio requirements.

(3) Staff members shall know the location of each juvenile at all times.

(Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-111. Emergency plan; safety; security. (a) Emergency plan. Each permittee and each licensee shall implement an emergency plan to provide for the safety of juveniles, staff members, volunteers, and visitors in emergencies.

(1) The emergency plan shall include the following information:

(A) Input from local emergency response entities, including fire departments, law enforcement, and local health care providers;

(B) the types of emergencies likely to occur in the center or near the center, including fire, weather-related events, missing or runaway juveniles, chemical releases, utility failure, intruders, and an unscheduled closing;

(C) the types of emergencies that could require evacuating the center and the types that could require the juveniles, staff members, volunteers, and visitors to shelter in place;

(D) participation in community practice drills for emergencies;

(E) procedures to be followed by staff members in each type of emergency;

(F) designation of a staff member to be responsible for each of the following:

(i) Communicating with emergency response resources, including the fire department, law enforcement, and local health care providers;

(ii) ensuring that all juveniles, staff members, volunteers, and visitors are accounted for;

(iii) taking the emergency contact numbers and a cell phone; and

(iv) contacting the parent, legal guardian, or placing agent of each juvenile;

(G) the location and means of reaching a shelter-in-place area in the center, including safe movement of any juvenile, staff member, volunteer, or visitor with special health care or mobility needs; and

(H) the location and means of reaching an emergency site if evacuating the center.

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including the following:

- (i) Safely transporting the juveniles, including juveniles with special health care or mobility needs;
 - (ii) transporting emergency supplies, including water, food, clothing, blankets, and medications; and
 - (iii) obtaining emergency medical care.
- (2) The emergency plan shall be kept on file in the center.
 - (3) Each staff member shall be informed of and shall follow the emergency plan.
 - (4) The emergency plan shall be reviewed annually.
 - (5) The location and means of reaching the shelter-in-place area or an emergency site if evacuating shall be posted in a conspicuous place in the center.
- (b) Fire drills. Each permittee and each licensee shall ensure that a fire drill is conducted six times per year and is scheduled to allow participation by each juvenile. The date and time of each drill shall be recorded and kept on file at the center for one calendar year.
- (c) Tornado drills. Each permittee and each licensee shall ensure that a tornado drill is conducted six times per year and is scheduled to allow participation by each juvenile. The date and time of each drill shall be recorded and kept on file at the center for one calendar year.
- (d) Direct supervision and reporting. Each permittee and each licensee shall implement policies and procedures that include the use of a combination of direct supervision, inspection, and accountability to promote safe and orderly operations. The policies and procedures shall be developed with input from local law enforcement and shall include all of the following requirements:

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(1) Written shift assignments shall state the duties and responsibilities for each staff member.

(2) A shift report prepared and maintained by supervisory staff members shall document routine and emergency situations.

(3) Security devices, including locking mechanisms on doors and any delayed-exit mechanisms on doors, shall have current written approval from the state fire marshal and shall be regularly inspected and maintained, with any corrective action completed as necessary and recorded.

(4) The use of mace, pepper spray, and other chemical agents shall be prohibited.

(5) No juvenile shall have access to any weapons.

(6) Provisions shall be made for the control and use of keys, tools, medical supplies, and culinary equipment.

(7) No juvenile or group of juveniles shall exercise control or authority over another juvenile, have access to the records of another juvenile, or have access to or the use of keys that control security.

(8) Provisions shall be made for handling runaways and unauthorized absences of juveniles.

(9) Provisions shall be made for safety and security precautions pertaining to any vehicles used to transport juveniles.

(10) Procedures shall ensure the prompt reporting of any illegal act committed in the facility.

(11) Provisions shall be made for the control of prohibited items and goods, including the

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screening and searches of juveniles and visitors and searches of rooms, spaces, and belongings.

(12) Procedures shall ensure the documentation of all incidents. The procedures shall include the following:

(A) A written report of each incident shall be submitted to the administrative director no later than the end of the shift during which the incident occurred. A copy of each report shall be kept in the record of each juvenile involved in the incident.

(B) A report of each incident shall be made as required in K.A.R. 30-47-122.

(e) Storage and use of hazardous substances and unsafe items. Each permittee and each licensee shall ensure that the following requirements are met for the storage and use of hazardous substances and unsafe items:

(1) No juvenile shall have unsupervised access to poisons, hazardous substances, or flammable materials. These items shall be kept in locked storage when not in use.

(2) Provisions shall be made for the safe and sanitary storage and distribution of personal care and hygiene items. The following items shall be stored in an area that is either locked or under the control of staff members:

(A) Aerosols;

(B) alcohol-based products;

(C) any products in glass containers; and

(D) razors, blades, and any other sharp items.

(3) Policies and procedures shall be developed and implemented for the safe storage and disposal of prescription and nonprescription medications.

(A) All prescription and nonprescription medications shall be stored in a locked cabinet

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located in a designated area accessible to and supervised by staff members only.

(B) All refrigerated medications shall be stored under all food items in a locked refrigerator, in a refrigerator in a locked room, or in a locked medicine box in a refrigerator.

(C) Medications taken internally shall be kept separate from other medications.

(D) All unused medications shall be accounted for and disposed of in a safe manner, including being returned to the pharmacy, transferred with the juvenile, or safely discarded.

(4) Each center shall have first-aid supplies, which shall be stored in a locked cabinet located in a designated area accessible to and supervised by staff members only.

(Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-112. Admission policies. (a) A juvenile shall be admitted if all of the following conditions are met:

(1) The clinical director determines that the juvenile is in need of treatment and likely to cause harm to self or others.

(2) A qualified mental health professional has given written authorization for the juvenile to be admitted to a juvenile crisis intervention center.

(3) No other more appropriate treatment services are available and accessible to the juvenile at the time of admission.

(b) All written admission policies and procedures of the center shall conform with its stated goals and purposes.

(c) Admission procedures and practice shall include provisions for the following if the juvenile receives medicaid:

(1) Upon admission, the administrative director or designee shall notify the managed care organization, if applicable.

(2) The managed care organization shall review services as recommended by the clinical director.

(d) A juvenile shall not stay in a juvenile crisis intervention center for more than 30 days.

(e) Admission procedures shall include the following:

(1) Collecting identifying information;

(2) completing a health history checklist, which shall be completed on a form approved by the secretary and shall include a description of any bruises, abrasions, symptoms of illness, and current medications;

(3) assessing the juvenile's suicide risk potential, assault potential, escape risk, and

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mental health needs;

- (4) conducting an intake interview;
- (5) distributing personal hygiene items;
- (6) providing for a shower and hair care;
- (7) issuing clean, laundered clothing, if necessary;
- (8) assigning the juvenile to a sleeping room; and
- (9) providing an orientation to the juvenile crisis intervention center in a manner that is

understandable to the juvenile.

(f) Completion of the orientation and receipt of all written orientation materials shall be documented by a signed statement from the juvenile.

(g) The admitting staff member shall inventory and document the juvenile's clothing and personal possessions and their disposition, specify any access the juvenile may have to these items, and provide for safe storage at the center. Each inventory shall include a written list of all money and personal property of the juvenile, shall be signed by the juvenile and the admitting staff member, and shall be kept with the juvenile's record. If the juvenile refuses to sign the inventory, the refusal shall be documented in the juvenile's record.

(h) No juvenile who shows evidence during the screening process of being seriously physically ill, injured, or under the influence of alcohol or drugs shall be admitted until the juvenile is examined and approved for admission by a licensed physician. If a juvenile is approved for admission to the center but is not admitted immediately due to hospitalization for illness, injury, or being under the influence of alcohol or drugs, the center shall accept the juvenile upon discharge from the hospital.

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(i) A permittee, licensee, or employee of a juvenile crisis intervention center shall not accept permanent legal guardianship of a juvenile placed at the center. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-113. Rights of juveniles. The rights of juveniles while in the permittee's or licensee's care or control shall not be diminished or denied for disciplinary reasons. Each administrative director shall establish and implement written policies and procedures concerning the rights of the juveniles. These policies and procedures shall provide that juveniles are ensured their rights, unless it is necessary to maintain order and security in the center or these rights are contrary to a juvenile's approved case plan. These policies and procedures shall ensure the following:

(a) Freedom from personal abuse, corporal or unusual punishment, excessive use of force, humiliation, harassment, mental abuse, and punitive interference with the daily functions of living, including eating and sleeping;

(b) freedom from discrimination based on race, color, ancestry, religion, national origin, sex, or disability, including full and equal enjoyment of programs, services, facilities, privileges, advantages, or accommodations of the facility by persons with disabilities;

(c) equal access to services for both male and female juveniles in coed facilities;

(d) receipt and explanation of written rules and grievance procedures of the center, in a language that the juvenile can understand;

(e) opportunity for physical exercise on a daily basis, including outdoor exercise if weather permits;

(f) participation in religious worship and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain order and security;

(g) reasonable religious diets;

(h) the right to wear personal clothing consistent with center guidelines. If the center

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provides clothing, it shall be of proper size and shall be consistent with center guidelines;

(i) access to the courts and confidential contact with attorneys, judges, parents, social workers, and other professionals, including telephone conversations, visits, and correspondence;

(j) medical treatment and emergency dental care, a medically proper diet, and the right to know what and why medications are being prescribed;

(k) the right to send and receive uncensored mail in accordance with the center's policies;

(l) the right to receive visitors and communication in accordance with the center's visitation policies;

(m) the right to determine the length and style of hair, unless a licensed physician determines that a haircut is medically necessary; and

(n) the right to keep facial hair, if desired, unless a licensed physician determines that removal is medically necessary for health and safety. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-114. Release policies. (a) Within seven days before the release of a juvenile from the center, the administrative director shall give written notice of the date and time of release to the juvenile; the community mental health center serving the area where the juvenile is being released; the juvenile's parent, custodian, or legal guardian; and if the juvenile is a medicaid recipient, the managed care organization. Releases and aftercare plans shall be coordinated with the appropriate community mental health center, managed care organization, substance abuse treatment providers, and other health or mental health care providers after consultation and agreement regarding transitioning the juvenile from the center, transferring treatment plans, and obtaining any needed aftercare services.

(b) Temporary releases for court attendance, medical appointments, placement visits, or other necessary purposes shall be permitted when authorized by the parent or legal guardian or the court.

(c) The administrative director or designee shall provide release forms to be signed by the person to whom the juvenile is released and by the staff member releasing the juvenile.

(d) Procedures and practices for the discharge of juveniles shall include provisions for the following:

(1) Verification of identity of the juvenile and the person to whom the juvenile is released;

(2) completion of any pending actions, including any grievances or claims for damages or lost possessions;

(3) transportation arrangements;

(4) instructions for forwarding mail; and

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(5) return of money and personal property to the juvenile. A receipt for all money and personal property shall be signed by the juvenile. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-115. Case management. (a) Each permittee and each licensee shall ensure that case management is provided for each juvenile. Each permittee and each licensee shall ensure that a case manager is assigned to provide or coordinate the case management for each juvenile.

(b) Each permittee and each licensee shall ensure that a case plan is developed within three days of each juvenile's admission to the center and implemented with the input, as appropriate, of the juvenile, the placing agent, the juvenile's parent or legal guardian, and staff members. Each case plan shall list goals for the juvenile while at the center and upon release and identify the services needed by the juvenile to meet the goals. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-

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30-47-116. Program. (a) General requirements.

(1) Each permittee and each licensee shall keep documentation of each juvenile's preadmission evaluation in the juvenile's file. Each evaluation shall include an assessment of the juvenile's mental health and current needs.

(2) An interdisciplinary treatment team shall develop a case plan for each juvenile admitted to the juvenile crisis intervention center within three days of admission. The team shall review the case plan every seven days and shall update the case plan as necessary. Each review shall be documented and signed by the clinical director or the clinical director's designee.

(3) The treatment team shall be headed by the clinical director or the clinical director's designee.

(4) The case plan shall be completed in collaboration with the managed care organization if the juvenile is a medicaid recipient.

(5) Each applicant, each permittee, and each licensee shall maintain a written schedule and daily routine for all juveniles, which shall include the following:

- (A) Meals;
- (B) rest and sleep;
- (C) personal hygiene;
- (D) physical exercise;
- (E) recreation;
- (F) mental health services;
- (G) education; and
- (H) social services.

(6) Classroom instruction or online education, or both, shall be provided and monitored

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by teachers holding appropriate certification from the Kansas board of education.

(7) Each permittee and each licensee shall coordinate education services with the local school district. During the local school year, each juvenile shall receive instruction according to the provisions of the juvenile's case plan.

(8) For each juvenile currently enrolled in a Kansas public school, each permittee and each licensee shall maintain contact with the juvenile's home school district to ensure the continuity of each juvenile's education.

(9) The teachers shall provide a regular schedule of instruction and related educational services appropriate to the needs of each juvenile.

(b) Recreation.

(1) Each juvenile crisis intervention center shall provide indoor and outdoor recreational areas and equipment where security and direct supervision can be easily maintained. Unless restricted for health reasons, all juveniles shall be allowed to engage in supervised indoor and outdoor recreation on a daily basis.

(2) Art and craft supplies, books, current magazines, games, and other indoor recreational materials shall be provided for leisure-time activities.

(d) Work.

(1) Work assignments shall not be used as a substitute for recreation.

(2) Juveniles shall be prohibited from performing the following duties:

(A) Any personal services for staff members;

(B) cleaning or maintaining areas away from the center;

(C) replacing staff members; and

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(D) any work requiring the use of sharp instruments, tools, or poisonous chemicals.

(3) All work assignments performed by juveniles shall be on-site.

(e) Visitation and communication.

(1) Each permittee and each licensee shall provide telephone and contact visitation rights for parents, legal guardians, legal representatives, and other visitors approved by staff members designated by the administrative director. Private telephone conversation and visitation shall be allowed, except when a need to protect the juvenile is clinically indicated, as documented in the juvenile's case plan.

(2) Each permittee and each licensee shall have written policies and procedures regarding telephone use, personal cell phone access and use, and visitation available to all juveniles, parents, legal guardians, and legal representatives.

(3) A juvenile shall not be denied the right to contact an attorney or court counselor. No court counselor or attorney shall be refused visitation with a juvenile to whom the counselor or attorney is assigned.

(4) Staff members shall not censor mail or written communication, except to check for contraband, unless censorship is clinically indicated. Suspect mail shall be opened by staff members in the presence of the addressee. If mail is to be read, the juvenile shall be informed in advance and shall be present when the mail is opened. The reason for each occasion of censorship shall be documented and kept in the juvenile's record.

(5) Various means of communication shall be available to each juvenile to allow for at least one contact per week, including electronic communication, phone calls, and U.S. mail.

(6) First-class letters and packages shall be forwarded after the transfer or release of each

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juvenile. (Authorized by K.S.A. 65-128, 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-117. Health care. (a) Policies and procedures for juvenile health care. Each permittee and each licensee, in consultation with a licensed physician, shall implement written policies and procedures that include provisions for the following:

(1) Completion of a health checklist and review for each juvenile upon admission, including the following:

- (A) Current physical health status, including oral health;
 - (B) all allergies, including medication, food, plant, and animal;
 - (C) all current pain, including cause, onset, duration, and location;
 - (D) preexisting medical conditions;
 - (E) current mood and affect;
 - (F) history and indicators of self-harming behaviors or suicidal tendencies;
 - (G) all infectious or contagious diseases;
 - (H) current immunizations specified in K.A.R. 28-1-20 or an exemption for medical or religious reasons pursuant to K.S.A. 65-508, and amendments thereto;
 - (I) all drug or alcohol use;
 - (J) all current medications;
 - (K) all physical disabilities;
 - (L) all sexually transmitted diseases; and
 - (M) if a female juvenile, menstrual history and any history of pregnancy;
- (2) follow-up health care, including a health assessment and referrals for any

concerns identified in the health checklist and review;

(3) if medically indicated, all required chronic care, convalescent care, and preventive care, including immunizations;

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(4) care for minor illness, including the use and administration of prescription and nonprescription drugs;

(5) care for juveniles under the influence of alcohol or other drugs;

(6) infection-control measures and universal precautions to prevent the spread of blood-borne infectious diseases, including medically indicated isolation; and

(7) maternity care as required by K.A.R. 28-4-279.

(b) Physical health of juveniles. Each permittee and each licensee shall ensure that emergency medical and dental care is obtained for each juvenile by providing timely access to basic, emergency, and specialized medical, mental health, and dental care and treatment services provided by health care providers.

(1) Each permittee and each licensee shall ensure that a health checklist is completed for each juvenile at the time of admission by the staff member who admits the juvenile. The health checklist shall serve as a guide to determine whether a juvenile is in need of medical or dental care and to determine whether the juvenile is using any prescribed medications.

(2) Each permittee and each licensee shall ensure that a licensed physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, or an advanced practice registered nurse operating under a written protocol as authorized by a responsible physician and operating under the advanced practice registered nurse's scope of practice is contacted at the time of admission for any juvenile who is taking a prescribed medication to assess the need for continuation of the medication.

(3) Each change of prescription or directions for administering a prescription medication shall be ordered by the authorized medical practitioner with documentation placed in the

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juvenile's record. Prescription medications shall be administered only to the designated juvenile as ordered by the authorized medical practitioner.

(4) Nonprescription and prescription medication shall be administered only by a designated staff member who has received training on medication administration approved by the secretary. Each administration of medication shall be documented in the juvenile's record with the following information:

- (A) The name of the staff member who administered the medication;
- (B) the date and time the medication was given;
- (C) each change in the juvenile's behavior, response to the medication, or adverse reaction;
- (D) each alteration in the administration of the medication from the instructions on the medication label and documentation of the alteration; and
- (E) each missed dose of medication and documentation of the reason the dose was missed.

(5) Within 72 hours of each juvenile's admission, an authorized medical practitioner shall review the health checklist and conduct a health assessment.

(6) Each permittee and each licensee shall ensure that a licensed physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, or an advanced practice registered nurse operating under a written protocol as authorized by a responsible physician and operating within the advanced practice registered nurse's scope of practice is contacted for each juvenile who has acute symptoms of illness or who has a chronic illness.

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(7) Each licensee shall ensure that each resident receives a screening for symptoms of tuberculosis. A Mantoux test, a tuberculin blood assay test, or a chest X-ray shall be required if any of the following occurs:

(A) The resident has a health history or shows symptoms compatible with tuberculosis.

(B) The location of the JCIC is in an area identified by the local health department or the secretary as a high-risk area for tuberculosis exposure

(C) Significant exposure to an active case of tuberculosis occurs, or symptoms compatible with tuberculosis develop.

(D) If there is a positive reaction to the diagnostic procedures, proof of proper treatment or prophylaxis shall be required. Documentation of the test, X-ray, or treatment results shall be kept on file in the juvenile's health record, and the county health department shall be informed of the results.

(8) Each permittee and each licensee shall ensure that the use of tobacco in any form by any juvenile while in care is prohibited.

(c) Emergency medical treatment. Each permittee and each licensee shall ensure that the following requirements are met for the emergency medical treatment of each juvenile:

(1) The juvenile's medical record and health assessment forms shall be taken to the emergency room with the juvenile.

(2) A staff member shall accompany the juvenile to emergency care and shall remain with the juvenile while the emergency care is being provided or until the juvenile is admitted. This arrangement shall not compromise the direct supervision of the other juveniles in the center.

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(d) Oral health of juveniles. Each permittee and each licensee shall ensure that the following requirements are met for the oral health of juveniles:

- (1) Each juvenile shall receive emergency dental care as needed.
- (2) A plan shall be developed and implemented for oral health education.

(e) Personal health and hygiene of juveniles. Each permittee and each licensee shall ensure that the following requirements are met for the personal health and hygiene of the juveniles:

- (1) Each juvenile shall have access to drinking water, a lavatory, and a toilet.
- (2) Each juvenile shall be given the opportunity to bathe upon admission and daily.
- (3) Each juvenile shall be provided with toothpaste and an individual toothbrush.
- (4) Each juvenile shall be given the opportunity to brush that juvenile's teeth after each meal.
- (5) Opportunities shall be available to each juvenile for daily shaving.
- (6) Each juvenile's washable clothing shall be changed and laundered at least twice a week. Clean underwear and socks shall be available to each juvenile on a daily basis.
- (7) Each female juvenile shall be provided personal hygiene supplies for use during that juvenile's menstrual cycle.
- (8) Clean, individual washcloths and bath towels shall be issued to each juvenile at least twice each week.
- (9) Each juvenile shall be allowed to have at least eight hours of sleep each night.
- (f) Personal health of staff members and volunteers. Each staff member and each

volunteer shall meet the following requirements:

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(1) Be free from all infectious or contagious disease requiring isolation or quarantine as specified in K.A.R. 28-1-6 and K.S.A. 65-101 and K.S.A. 65-128, and amendments thereto;

(2) be able to perform that individual's essential job functions and not pose a direct threat to the health, safety, or welfare of the juveniles, that individual, or other employees that cannot be eliminated or reduced by reasonable accommodation;

(3) not possess, use, or be under the influence of illegal drugs;

(4) not use or be impaired by alcohol at the center; and

(5) not be impaired by any substance at the center to the extent that it causes the individual to pose a direct threat to the health, safety, or welfare of others.

(g) Each permittee and each licensee shall ensure that tobacco products are not used inside the center. Tobacco products shall not be used by staff members or volunteers in the presence of juveniles. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-118. Behavior management. (a) Each applicant, each permittee, and each licensee shall establish and implement written policies providing for a behavior management system that assists juveniles to develop inner control and manage their own behavior in a socially acceptable manner. The policy shall include expectations that are age-appropriate and allow for special abilities and limitations and positive and negative consequences related to each expectation.

(b) Each applicant shall establish written rules of juvenile conduct that define expected behaviors and related consequences.

(c) A rule book containing expected behaviors, ranges of consequences, and disciplinary procedures shall be given to each juvenile and staff member. An acknowledgment of receipt of the rule book shall be signed by each juvenile and kept in each juvenile's record.

(d) If a literacy or language problem prevents a juvenile from understanding the rule book, a staff member or translator shall assist the juvenile in understanding the rules.

(e) Each staff member shall be familiar with the rules of juvenile conduct, the rationale for the rules, and the intervention options available.

(f) Each permittee and each licensee shall ensure that each juvenile is protected against all forms of neglect, exploitation, and degrading forms of discipline.

(1) No staff member or volunteer shall use any of the following means or methods of punishment of a juvenile:

(A) Punishment that is humiliating, frightening, or physically harmful to the juvenile;

(B) corporal punishment, including hitting with the hand or any object, yanking arms or pulling hair, excessive exercise, exposure to extreme temperatures, and any other measure that produces physical pain or threatens the juvenile's health or safety;

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(C) restricting movement by tying or binding;

(D) confining a juvenile in a closet, box, or locked area;

(E) forcing or withholding food, rest, or toilet use;

(F) mental and emotional cruelty, including verbal abuse, derogatory remarks about a juvenile or the juvenile's family, statements intended to shame, threaten, humiliate, or frighten the juvenile, and threats to expel a juvenile from the center; or

(G) placing any substance that stings, burns, or has a bitter or unpleasant taste in the juvenile's mouth or on the tongue or any other part of the juvenile's body as discipline.

(2) No staff member or volunteer shall make sexual remarks or advances toward, or engage in physical intimacies or sexual activities with, any juvenile.

(3) No staff member or volunteer shall exercise undue influence or duress over any juvenile, including promoting sales of services or goods, in a manner that would exploit the juvenile for the purpose of financial gain, personal gratification, or advantage of the juvenile, staff member, volunteer, or a third party.

(g) Each staff member and each volunteer shall be prohibited from using medications, herbal or folk remedies, and drugs to control or manage any juvenile's behavior, except as prescribed by a licensed physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, or an advanced practice registered nurse operating under a written protocol as authorized by a responsible physician and operating under the determined scope of practice.

(h) No juvenile shall be forced to participate in any publicity or promotional activities.

(Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and

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30-47-119. Restraint. (a) Each applicant, each permittee, and each licensee shall establish and implement written policies and procedures that govern the use of restraint. Restraint methods and safety intervention programs shall be preapproved by the secretary. These policies and procedures shall include the following:

- (1) Limitations on the use of physical restraint when the behavior of the juvenile is a danger to self or others or directly affects an individual's health, safety and welfare.
- (2) permission to use physical restraint only if all other less restrictive methods of controlling the juvenile's dangerous behavior were attempted and failed;
- (3) a statement that chemical agents are not to be used by center personnel;
- (4) a statement that psychotropic medications are not to be used for disciplinary reasons;
- and
- (5) a statement that psychotropic medications are to be administered only when medically necessary upon order of the juvenile's licensed physician.

(b) The restraints selected shall be the least restrictive measure necessary to prevent injury to the juvenile or others.

(c) Restraint shall never be used for punishment or for the convenience of staff members.

(d) Each administrative director of a center that uses restraint shall develop and ensure implementation of a comprehensive policy on the use of each restraint. The policy shall identify the following:

- (1) The name of the safety intervention program used by the center;
- (2) documentation that each staff member authorized to use a restraint has been trained in the safety intervention program used by the center;

(3) the forms of restraint in use at the center, demonstrating that each specified form of

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restraint is required to appropriately serve juveniles;

- (4) specific criteria for the use of each form of restraint;
- (5) the staff members authorized to approve the use of each form of restraint;
- (6) the staff members authorized and qualified to administer or apply each form of restraint;
- (7) the procedures for application or administration of each form of restraint;
- (8) the procedures for monitoring any juvenile placed in each form of restraint;
- (9) any limitations on the use of each form of restraint, including time limitations;
- (10) the procedures for immediate, continual review of restraint placements for each form of restraint, except passive physical restraint; and
- (11) procedures for comprehensive recordkeeping concerning all incidents involving the use of restraint, including incidents of passive physical restraint if it is used in conjunction with or leads to the use of any other form of restraint. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-120. Isolation. (a) Isolation shall not be permitted within a juvenile crisis intervention center. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-121. Records. (a) Recordkeeping system. Each applicant, each permittee, and each licensee shall ensure that there is an organized recordkeeping system for the center, which shall include the following:

(1) Provisions shall be made for the security, confidentiality, preservation, and transfer of all juvenile records.

(2) All records shall be available at the center for review by the department.

(b) Juvenile records.

(1) Each permittee and each licensee shall maintain an individual record for each juvenile, which shall include the following information:

(A) Documentation of the preadmission screening;

(B) the admissions form;

(C) verification of custody status of the juvenile;

(D) a record of the juvenile's personal possessions as specified in K.A.R. 30-47-112;

(E) a health record that meets the requirements in K.A.R. 30-47-117;

(F) a copy of each written report of any incidents involving the juvenile and specified in K.A.R. 30-47-119 and K.A.R. 30-47-122;

(G) documentation of the juvenile's receipt of the center's rule book; and

(H) the juvenile's case plan.

(2) Provisions shall be made for the secure transfer of each juvenile's complete record upon release of the juvenile. All information that cannot be transferred at the time of the release of the juvenile shall be securely transferred within 72 hours of the release of the juvenile.

(3) Information from a juvenile's record shall not be released without written permission

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from the court, the Kansas department for children and families, or the juvenile's parent or legal guardian.

(c) Staff member records. Each permittee and each licensee shall maintain an individual record for each staff member, which shall include the following information:

(1) The application for employment, including the staff member's qualifications, references, and dates of previous employment;

(2) a copy of each applicable current professional license, certificate, or registration;

(3) the staff member's current job responsibilities;

(4) a health record that meets the requirements in K.A.R. 30-47-117, including a record of the results of each health examination and each tuberculosis test;

(5) a copy of a valid driver's license of a type appropriate for the vehicle being used, for each staff member who transports any juvenile;

(6) documentation of all orientation and in-service training required in K.A.R. 30-47-109;

(7) documentation of training in medication administration if medication administration is included in the staff member's job duties;

(8) a copy of each grievance or incident report concerning the staff member, including documentation of the resolution of each report; and

(9) documentation that the staff member has read, understands, and agrees to all of the following:

(A) The requirements for the mandatory reporting of suspected child abuse, neglect, and exploitation;

(B) all regulations governing juvenile crisis intervention centers;

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(C) the facility's policies and procedures that are applicable to the job responsibilities of the staff member; and

(D) the confidentiality of juvenile information.

(d) Volunteer records. Each permittee and each licensee shall maintain an individual record for each volunteer at the facility, which shall include the following:

(1) The application for volunteering at the center;

(2) the volunteer's responsibilities at the center;

(3) a health record that demonstrates compliance with K.A.R. 30-47-117(f), including a record of the results of each health examination and each tuberculosis test, for each volunteer in contact with juveniles;

(4) documentation of all orientation and in-service training required for volunteers in K.A.R. 30-47-109;

(5) a copy of each grievance or incident report concerning the volunteer, including documentation of the resolution of each report; and

(6) documentation that the volunteer has read, understands, and agrees to all of the following:

(A) The requirements for the mandatory reporting of suspected child abuse, neglect, and exploitation;

(B) all regulations governing juvenile crisis intervention centers;

(C) the facility's policies and procedures that are applicable to the responsibilities of the volunteer; and

(D) the confidentiality of juvenile information.

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(e) Center records. Each applicant, each permittee, and each licensee shall ensure that the center records are completed and maintained. These records shall include the following information:

(1) Documentation of the requests submitted to the department for background checks in order to meet the requirements of K.A.R. 30-47-105;

(2) documentation of notification to and consultation with the local and home school districts as specified in K.A.R. 30-47-103;

(3) documentation of each approval granted by the secretary for each change, exception, or amendment;

(4) the center's policies and procedures;

(5) all documentation specified in K.A.R. 30-47-111 for emergency plans, fire and tornado drills, and written policies and procedures on the security of the juveniles;

(6) all documentation specified in K.A.R. 30-47-111 for the inspection and the maintenance of security devices, including locking mechanisms and any delayed-exit mechanisms on doors;

(7) documentation of approval of any private water or sewage systems as specified in K.A.R. 30-47-107;

(8) documentation of compliance with all local and state building codes, fire safety requirements, and zoning codes;

(9) all documentation specified in K.A.R. 30-47-126 for transportation;

(10) documentation of vaccinations for any animal kept on the premises, as required by K.A.R. 30-47-127;

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30-47-121 (5)

(11) a copy of each service contract and agreement; and

(12) information available to the department regarding the following:

(A) The number of admissions and releases and the length of stay for each juvenile admitted to the juvenile crisis intervention center;

(B) services provided to juveniles admitted;

(C) needs of juveniles admitted determined by evidence-based assessment. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-122. Notification and reporting requirements. (a)(1) Each permittee and each licensee shall ensure that notification of each of the following is submitted within 12 hours after discovery of the incident or event:

(A) Each incident of suspected child abuse or neglect of a juvenile shall be reported to the department and to law enforcement consistent with the provisions of K.S.A. 2019 Supp. 38-2223, and amendments thereto.

(B) Each incident resulting in the death of a juvenile shall be reported in the following order, if possible:

- (i) Law enforcement;
- (ii) the department;
- (iii) the juvenile's parent or legal guardian; and
- (iv) the juvenile's placing agent.

(C) Each incident resulting in the death of a staff member or volunteer while on duty at the center shall be reported to the department and to any other entities according to the center's policies.

(D) Each incident resulting in a serious injury to any juvenile, including burns, lacerations, bone fractures, substantial hematomas, and injuries to internal organs, shall be reported in the following order, if possible:

- (i) The department;
- (ii) the parent or legal guardian of any juvenile involved in the incident; and
- (iii) the placing agent of any juvenile involved in the incident.

(E) Each suicide attempt by a juvenile shall be reported to the following:

- (i) Law enforcement consistent with the provisions of K.S.A. 2019 Supp. 38-2223, and

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amendments thereto;

(ii) the department;

(iii) the juvenile's parent or legal guardian; and

(iv) the juvenile's placing agent.

(F) Each natural disaster shall be reported to the department.

(G) Each instance of work stoppage shall be reported to the department.

(H) Each incident that involves a riot or the taking of hostages shall be reported to the department and to law enforcement.

(I) Each incident resulting in structural damage at the center, whether caused by fire or another means, shall be reported to the department and, if applicable, to law enforcement.

(J) Each incident that involves any suspected illegal act committed by a juvenile while in the center or by a staff member or a volunteer while on duty at the center shall be reported to law enforcement and the department according to the center's policies.

(2) If any juvenile, staff member, or volunteer contracts a reportable infectious or contagious disease specified in K.A.R. 28-1-2, the permittee or licensee shall ensure that a report is submitted to the local county health department within 24 hours, excluding weekends and holidays.

(b) Each permittee and each licensee shall complete a written report within five calendar days after the discovery of any incident or event identified in subsection (a). A copy of each written report shall be kept on file at the center. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-123. Laundry; bedding. (a) If laundry is done at the center, each permittee and each licensee shall ensure that the laundry sinks, the appliances, and the countertops or tables used for laundry are located in an area separate from food preparation areas and are installed and used in a manner that safeguards the health and safety of the juveniles. Adequate space shall be allocated for the laundry room and the storage of laundry supplies, including locked storage for all poisonous chemicals used in the laundry area.

(b) Each permittee and each licensee shall ensure that adequate space is allocated for the storage of clean and dirty linen and clothing. Soiled linen shall be stored separately from clean linen.

(c) Each permittee and each licensee shall ensure that blankets are laundered whenever soiled. Blankets shall be laundered or sanitized before reissue. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-
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30-47-124. Food services. Each permittee and each licensee shall ensure that food preparation, service, and safety meet the requirements of this regulation. For purposes of this regulation, "food" shall include beverages.

(a) Each individual engaged in food preparation and food service shall use sanitary methods of food handling, food service, and storage. Only authorized individuals shall be in the food preparation area.

(b)(1) Each individual who has any symptoms of an illness, including fever, vomiting, and diarrhea, shall be excluded from the food preparation area and shall remain excluded from the food preparation area until the individual has been asymptomatic for at least 24 hours or provides the administrative director with written documentation from a health care provider stating that the symptoms are from a noninfectious condition.

(2) Each individual who contracts any infectious or contagious disease specified in K.A.R. 28-1-6 shall be excluded from the food preparation area and shall remain excluded from the food preparation area until the isolation period required for that disease is over or until the individual provides the administrative director with written documentation from a health care provider that the individual is no longer a threat to the health and safety of others when preparing or handling food.

(3) Each individual with an open cut or abrasion on the hand or forearm or with a skin sore shall cover the sore, cut, or abrasion with a waterproof barrier before handling or serving food.

(c)(1) The hair of each individual shall be restrained when the individual is handling food.

(2) Each individual handling or serving food shall comply with both of the following

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requirements for handwashing:

(A) Each individual shall wash that individual's hands and exposed portions of the individual's arms before working with food, after using the toilet, and as often as necessary to keep the individual's hands clean and to minimize the risk of contamination.

(B) Each individual shall use an individual towel, disposable paper towels, or an air dryer to dry that individual's hands.

(3) Each individual preparing or handling food shall minimize bare hand and bare arm contact with exposed food that is not in a ready-to-eat form. Except when washing fruits and vegetables, no individual handling or serving food may contact exposed, ready-to-eat food with the individual's bare hands.

Each individual shall use single-use gloves, food-grade tissue paper, dispensing equipment, or utensils, including spatulas and tongs, when handling or serving exposed, ready-to-eat food.

(d)(1) If food is prepared on the center premises, the food preparation area shall be separate from the eating area, activity area, laundry area, and bathrooms and shall not be used as a passageway during the hours of food preparation and cleanup.

(2) All surfaces used for food preparation and tables used for eating shall be made of smooth, nonporous material.

(3) Before and after each use, all food preparation surfaces shall be cleaned with soapy water and sanitized by use of a solution of one ounce of bleach to one gallon of water or a sanitizing solution used in accordance with the manufacturer's instructions.

(4) Before and after each use, the tables used for eating shall be cleaned by washing with

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soapy water.

(5) All floors shall be swept daily after each meal and whenever spills occur.

(6) Garbage shall be disposed of in a garbage disposal or in a covered container. If a container is used, the garbage shall be removed as needed to prevent overflow and control odor, and at the end of each day.

(7) Each food preparation area shall have handwashing fixtures equipped with soap and hot and cold running water and with individual towels, paper towels, or air dryers. Each sink used for handwashing shall be equipped to provide water at a temperature of at least 100 degrees Fahrenheit. The water temperature shall not exceed 120 degrees Fahrenheit. If the food preparation sink is used for handwashing, the sink shall be sanitized before using it for food preparation by use of a solution of 1/4 cup of bleach to one gallon of water.

(8) Clean linen used for food preparation or service shall be stored separately from soiled linen.

(e)(1) All food shall be stored and served in a way that protects the food from cross-contamination.

(2)(A) All food not requiring refrigeration shall be stored at least six inches above the floor in a clean, dry, well-ventilated storeroom or cabinet in an area with no overhead drain or sewer lines and no vermin infestation.

(B) Dry bulk food that has been opened shall be stored in metal, glass, or food-grade plastic containers with tightly fitting covers and shall be labeled with the contents and the date opened.

(3) Food shall not be stored with poisonous or toxic materials. If cleaning agents

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30-47-124 (4)

cannot be stored in a room separate from food storage areas, the cleaning agents shall be clearly labeled and kept in locked cabinets not used for the storage of food.

(4)(A) All perishables and potentially hazardous foods requiring refrigeration shall be continuously maintained at 41 degrees Fahrenheit or lower in the refrigerator or 0 degrees Fahrenheit in the freezer.

(B) Each refrigerator and each freezer shall be equipped with a visible, accurate thermometer.

(C) Each refrigerator and each freezer shall be kept clean inside and out.

(D) All food stored in the refrigerator shall be covered, wrapped, or otherwise protected from contamination. Unserved, leftover perishable foods shall be dated, refrigerated immediately after service, and eaten or disposed of within three days.

(E) Raw meat shall be stored in the refrigerator in a manner that prevents cross contamination of other food.

(F) Ready-to-eat, commercially processed foods shall be eaten or disposed of within five days after opening the package.

(f)(1) Hot foods that are to be refrigerated shall be transferred to shallow containers in layers less than three inches deep and shall not be covered until cool.

(2) All cooked foods shall be cooled in a manner to allow the food to cool within two hours from 135 degrees Fahrenheit to 70 degrees Fahrenheit or within six hours from 135 degrees Fahrenheit to 41 degrees Fahrenheit.

(g) All of the following requirements shall be met when meals or snacks are prepared on the center premises:

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30-47-124 (5)

- (1) All dairy products shall be pasteurized. Powdered milk shall be used for cooking only.
- (2) Meat shall be obtained from government-inspected sources.
- (3) Raw fruits and vegetables shall be washed thoroughly before being eaten or used for cooking.
- (4) Frozen foods shall be defrosted in the refrigerator, under cold running water, in a microwave oven using the defrost setting, or during the cooking process. Frozen foods shall not be defrosted by leaving them at room temperature or in standing water.
- (5) Cold foods shall be maintained and served at temperatures of 41 degrees Fahrenheit or less.
- (6) Hot foods shall be maintained and served at temperatures of at least 140 degrees Fahrenheit.
- (7) The following foods shall not be served or kept:
 - (A) Home-canned food;
 - (B) food from dented, rusted, bulging, or leaking cans; and
 - (C) food from cans without labels.
- (h) The following requirements shall be met for each meal or snack that is not prepared on the center premises:
 - (1) The snack or meal shall be obtained from a child care facility licensed by the department or by the secretary of the Kansas department of health and environment or from a food service establishment or a catering service licensed by the secretary of the Kansas department of agriculture.

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(2) If food is transported to the center, only food that has been transported promptly in clean, covered containers shall be served to the juveniles.

(i)(1) All table service, serving utensils, and food cooking or serving equipment shall be stored in a clean, dry location at least six inches above the floor. None of these items shall be stored under an exposed sewer line or a dripping water line or in a bathroom.

(2) Clean table service shall be provided to each juvenile, including dishes, cups or glasses, and forks, spoons, and knives, as appropriate for the food being served.

(3) Clean cups, glasses, and dishes designed for repeat use shall be made of smooth, durable, and nonabsorbent material and shall be free from cracks and chips.

(4) Disposable, single-use table service shall be of food grade and at least medium weight and shall be disposed of after each use.

(5) If nondisposable table service and cooking utensils are used, the table service and cooking utensils shall be sanitized using either a manual washing method or a mechanical dishwasher.

(6)(A) If using a manual washing method, the following requirements shall be met:

(i) A three-compartment sink with hot and cold running water to each compartment and a drainboard shall be used for washing, rinsing, sanitizing, and air-drying.

(ii) An appropriate chemical test kit, a thermometer, or another device shall be used for testing the sanitizing solution and the water temperature.

(B) If using a mechanical dishwasher, the dishwasher shall be installed and operated in accordance with the manufacturer's instructions and shall be maintained in good repair.

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(Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-125. Nutrition. (a) The meals and snacks served at each center shall meet the nutritional needs of the juveniles. The meals and snacks shall include a variety of healthful foods, including fresh fruits, fresh vegetables, whole grains, lean meats, and low-fat dairy products. A sufficient quantity of food shall be prepared for each meal to allow each juvenile second portions of bread and milk and either vegetables or fruit.

(b) Special diets shall be provided for juveniles for either of the following reasons:

(1) Medical indications; or

(2) accommodation of religious practice.

(c) Each meal shall be planned and the menu shall be posted at least one week in advance. A copy of the menu of each meal served for the preceding month shall be kept on file and available for inspection. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____,)

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30-47-126. Transportation. Each permittee and each licensee shall ensure that all of the following requirements are met when providing transportation for juveniles:

(a) Each permittee and each licensee shall implement policies and procedures for transportation of juveniles, including the following:

(1) Procedures to be followed in case of an accident, injury, or other incident as specified in K.A.R. 30-47-111;

(2) a list of all staff members authorized to transport juveniles; and

(3) for each staff member authorized to transport juveniles, documentation of a valid driver's license that meets the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto.

(b) Each permittee and each licensee shall ensure that a safety check is performed on each transporting vehicle before being placed in service and annually. A record of each safety check and all repairs and improvements made shall be kept on file at the center. When any juvenile is transported in a center-owned or center-leased vehicle or a privately owned vehicle, the vehicle shall be in safe working condition to ensure the health, safety, and welfare of all occupants.

(c) Each vehicle used to transport any juvenile shall be covered by accident and liability insurance as required by the state of Kansas.

(d) Each transporting vehicle owned or leased by the center shall have a first-aid kit.

(e) Each vehicle used to transport any juvenile shall be equipped with an individual seat belt for the driver and an individual seat belt for each passenger. The driver and each passenger shall be secured by a seat belt when the vehicle is in motion.

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30-47-126 (2)

(f)(1) All passenger doors shall be locked while the vehicle is in motion. The driver shall be responsible for ensuring that the vehicle is not in motion if the behavior of the occupants prevents the safe operation of the vehicle. All parts of each juvenile's body shall remain inside the vehicle at all times.

(2) Juveniles shall neither enter nor exit the vehicle from or into a lane of traffic. When the vehicle is vacated, the driver shall make certain that no juvenile is left in the vehicle.

(3) Smoking in the vehicle shall be prohibited.

(g) Each juvenile shall be transported directly to the location designated by the permittee or the licensee. No unauthorized stops shall be made along the way, except in an emergency.

(Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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30-47-127. Animals. Each permittee and each licensee shall ensure that the following requirements are met for any animals on the center premises:

(a) If any animals are kept on the center premises, the pet area shall be maintained in a sanitary manner, with no evidence of flea, tick, or worm infestation.

(b) No animal shall be in the food preparation area.

(c) Each domesticated dog and each domesticated cat shall have a current rabies vaccination given by a veterinarian. A record of all vaccinations shall be kept on file in the center.

(d) Each animal that is in contact with any juvenile shall meet the following conditions:

(1) Be in good health, with no evidence of disease; and

(2) be friendly and pose no threat to the health, safety, and welfare of juveniles.

(Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective P-_____.)

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Proposed

Kansas Administrative Regulations Economic Impact Statement (EIS)

Department for Children and Families
Agency

Rebecca Gerhardt
Agency Contact

785-296-3825
Contact Phone Number

30-47-100, 30-47-102, 30-47-103, 30-47-104, 30-47-105, 30-47-106, 30-47-107, 30-47-108, 30-47-109,
30-47-110, 30-47-111, 30-47-112, 30-47-113, 30-47-114, 30-47-115, 30-47-116, 30-47-117, 30-47-118,
30-47-119, 30-47-120, 30-47-121, 30-47-122, 30-47-123, 30-47-124, 30-47-125, 30-47-126, 30-47-127

☒ Permanent ☐ Temporary

K.A.R. Number(s)

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

Brief description of the proposed rule(s) and regulation(s).

The Kansas Department for Children and Families (DCF) is promulgating regulations applicable to Juvenile Crisis Intervention Center (JCIC), as defined in K.S.A. § 65-536. The statute describes an intervention center as a facility that provides short-term observation, assessment, treatment, case planning and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to themselves or others.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

The proposed regulations are not mandated by the federal government. In drafting regulations for JCIC the following states regulations were reviewed: Wisconsin, Oklahoma, Nebraska, Kentucky, Florida and Iowa.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

Juvenile Crisis Intervention Centers are a new type of child care facility created by K.S.A. 65-536, which became effective July 1, 2018. Juvenile Crisis Intervention Centers will be administered by public or private entities. As such, these regulations will allow these new facilities to be opened and will enhance business activity. The statute requires DCF to promulgate rules and regulations on or before January 1, 2019. To date, no JCIC physical facility is in operation.

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- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

K.S.A 65-536 (h) provided funding, not to exceed \$2,000,000 annually, from the evidence-based programs account of the state general fund or other available appropriations for juvenile crisis intervention services in the secretary of corrections budget. Kansas Department of Corrections – Juvenile Services previously budgeted this \$2,000,000 as a recommendation from the Juvenile Justice Oversight Committee to use evidenced base funds to support base funding of a JCIC. The \$2 million was an estimate of cost for the services and there still are no expenditures to apply to those funds since no JCIC's have been established. No revenues to report. DCF had expenditures for the promulgation of the rules and regulations but those were minimal and absorbed within DCF's budget.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Businesses directly affected by the proposed rules and regulations will be those which choose to open and operate Juvenile Crisis Intervention Centers. There are no centers open to date.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Juvenile Crisis Intervention Centers could provide an essential component of the service array available to Kansas children in crisis. This would be accomplished through providing short-term observation, assessment, treatment and case planning, and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to self or others. They would address or ensure access to the broad range of services to meet the needs of a juvenile admitted to the center, including, but not limited to, medical, psychiatric, psychological, social and educational services.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

In developing the proposed regulations, care has been taken to consider the best practices in child welfare as necessary for the benefit of the health, safety, and welfare of children who will reside in a JCIC. It is not anticipated that the proposed rules and regulations will have an adverse cost or impact on business and economic development. To the contrary, providing effective care to children in crisis will enhance business and economic development, not only as to the facilities themselves, but also to the communities they serve. As stated above in section III (B), DCF has absorbed the costs of the promulgation of the rules and regulations within current budget to assure minimized costs.

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- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The state will pay the JCIC when a child is placed at the facility. The payment should cover all the costs associated with that placement. It is not anticipated that the regulations will, themselves, impose compliance costs which will be passed along to business, local governments, or members of the public. Any compliance costs will be incurred by JCIC's themselves and are included in the estimated costs set forth in section III (B) above.

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

None expected if the \$2 million previously appropriated from the evidence-based programs account of the state general fund in the Department of Corrections is still available.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The rules and regulations do not increase or decrease revenues of small employers and the general public, nor do they impose functions or responsibilities on small employers and the general public that will increase expenditures or fiscal liability

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- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The rules and regulations do not increase or decrease revenues of cities, counties or school districts nor do they impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

In May 2018, during the initial phases of drafting the proposed regulations, staff from the DCF Foster Home and Residential Facility Licensing Division consulted with the Kansas Association of Community Mental Health Centers to gather input. Once a draft of the regulations was completed in August 2018, the draft was distributed to various Community Mental Health Centers for comment. These comments were compiled by the Kansas Association of Community Mental Health Centers and received and incorporated into the draft regulations by staff from the DCF Foster Home and Residential Facility Licensing Division in September 2018. Also in September 2018, staff met with the Director of Juvenile Services Center for Johnson County Department of Corrections

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

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- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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