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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Department (Board) of Juvenile Justice
<b>Virginia Administrative Code (VAC) citation</b>	6 VAC35-71
<b>Regulation title</b>	Regulation Governing Juvenile Correctional Centers
<b>Action title</b>	Comprehensive review of all regulatory provisions governing juvenile correctional centers that are currently contained in 6VAC35-51 and 6VAC35-140. Combines and streamlines the regulations into a single document.
<b>Date this document prepared</b>	September 15, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.*

The Board of Juvenile Justice regulates all juvenile correctional centers (JCCs) in the Commonwealth. Under the current regulatory scheme JCCs are governed by two separate regulations, both promulgated by the board. These regulations are (1) the Standards for Juvenile Residential Facilities (6VAC35-140) and (2) the Standards for the Interim Regulation of Children's Residential Facilities (6VAC35-51). Both regulations address the requirements for the three distinct types of facilities regulated by the board (JCCs, secure detention centers, and group homes, halfway houses).

The primary intent of this regulatory overhaul was to reduce confusion in applying the regulatory requirements in each type of facility. The comprehensive review examined each provision as to whether it was (1) appropriate for the type of facility; (2) clear in its intent and effect; and (3) necessary for the proper management of the facility. Amendments were made to accommodate the type of facility's specific needs and to enhance program and service requirements to best provide for the residents.

The proposed regulation has sections for: (1) general provisions; (2) administration and personnel; (3) physical environment; (4) safety and security; (5) residents' rights; (6) program operation; (7) work programs; (8) health care services; and (9) behavior management. Facility specific parts are included as

needed (i.e.; group homes have separate sections for subdivisions of facility programs, and juvenile correctional centers have a section for boot camps).

## Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

Board means the Board of Juvenile Justice.

CSU means court service unit.

DJJ or Department means the Department of Juvenile Justice.

JCC means juvenile correctional center.

RDC means the Reception and Diagnostic Center.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Section 66-13 of the Code of Virginia provides the department with the authority to "receive juveniles committed to it by the courts of the Commonwealth" and to "establish, staff and maintain facilities for the rehabilitation, training and confinement of such juveniles."

The Board of Juvenile Justice is entrusted with general authority to promulgate regulations by § 66-10 of the Code of Virginia, which states the board may "promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department."

Also contained in this regulation are the provisions governing privately operated juvenile correctional centers and boot camps. These are mandated by Chapter 2.1 of Title 66 (Juvenile Corrections Private Management Act) and § 66-13 of the Code of Virginia, respectively.

The promulgating entity is the Board of Juvenile Justice.

## Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.*

The Board of Juvenile Justice regulates three distinct types of facilities: (1) juvenile correctional centers; (2) detention centers; and (3) group homes/halfway houses. At present, these facilities are regulated by the board and are governed by two separate regulations: (1) the Standards for Juvenile Residential Facilities (6VAC35-140) and (2) the Standards for the Interim Regulation of Children's Residential Facilities (6VAC35-51).

The department has had several ideations of regulations governing the residential facilities regulated by the board. Earlier, the department had five separate regulations governing secure detention homes, post-dispositional confinement in secure detention, pre- and post-dispositional group homes, and juvenile correctional centers. These regulations applied to the facilities in conjunction with the Standards for the

Interdepartmental Regulation of Children's Residential Facilities (the "CORE" regulation), which went into effect in 1981.

The Board of Juvenile Justice's Standards for Juvenile Residential Facilities (6VAC35-140) was promulgated by the board, was most recently reviewed and revised in May 2005, and consists of the board's regulations for all facilities it regulates. This regulation establishes the minimum standards for residential facilities in the Commonwealth's juvenile justice system and covers program operations, health care, personnel, facility safety, and physical environment. It contains additional provisions for secure custody facilities, boot camps, work camps, juvenile industries, and independent living programs.

The Standards for the Interim Regulation of Children's Residential Facilities (6VAC35-51) is a reenactment of the "CORE" regulation in its entirety as a board regulation. This regulation was adopted by the board in September 2008 in order to comply with the requirements of Chapter 873 of the 2008 Acts of the General Assembly, which mandated the repeal of the CORE regulation and action to be taken by the affected boards by October 31, 2009. This regulation has more expansive provisions than 6VAC35-140 and also contains minimum requirements for the different facilities regulated by the board.

Throughout the years, problems have been identified in implementing the requirements contained in these two separate regulations, given the distinct nature of the three types of facilities regulated by the board. Accordingly, the board has approved consolidating the current regulatory requirements for residential programs and separating them into separate regulations governing (1) juvenile correctional centers; (2) detention centers; and (3) group homes/halfway houses. This revamping of the regulatory scheme was done in conjunction with a comprehensive review of the current provisions. This review was done with the goals of enhancing the clarity of the regulatory requirements and achieving improvements that are reasonable, prudent, and will not impose an unnecessary burden on its regulants or the public.

Having clear, concise regulations is essential to protecting the health, safety, and welfare of residents in juvenile correctional centers and citizens in the community. With clear expectations for the administrators running these facilities, the facilities will be able to be run more smoothly and utilize any extra resources for supporting the needs of the residents, thus supporting the overall rehabilitation and community safety goals of the department.

## Substance

*Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)*

The primary intent of this regulatory overhaul is to reduce confusion in applying the regulatory requirements in each type of facility regulated by the board (juvenile correctional centers, secure detention centers, and group homes/halfway houses). Each provision was reviewed as to whether it (1) was appropriate for the type of facility; (2) was clear in its intent and effect; and (3) was necessary for the proper management of the facility. Amendments were made to accommodate the juvenile correctional centers' specific needs and to enhance program and service requirements to best provide for the residents.

The following changes from the current regulatory scheme (6VAC35-140 and 6VAC35-51) are proposed:

- Contains only those provisions relating to JCC operation and management.
- Removes any responsibilities of the department, regulatory authority, or the board currently included in the regulations (i.e.; issuance of license/certificate and sanctions).

- Reorganizes the order of the regulatory provisions, and groups the provisions with similar provisions. The proposed regulation has sections for: (1) general provisions; (2) administration and personnel; (3) physical environment; (4) safety and security; (5) residents' rights; (6) program operation; (7) work programs; (8) health care services; and (9) behavior management. Facility specific parts are included as needed (i.e.; privately operated JCCs and boot camps).
- The following changes are proposed to the General Provisions:
  - Deletes many definitions (such as the definition of "day" and "therapy"); changes definitions to correspond with those used in other regulations; and, where appropriate, incorporates definitions into the substantive provisions of the regulation. Adds definitions for "direct care," "direct supervision," "regulatory authority," and "written."
  - Cross-references the Board's certification regulation (6VAC35-20) for consistency in application of variances.
  - Allows serious incident and child protective services reports to be noted in the resident's case record and documented elsewhere. Mirrors recent changes adopted by the Department of Social Services in its residential regulation.
  - Removes the requirement for posting the certification and grievance procedure in an area accessible to the public.
  - Adds a resident advisory committee section requiring each JCC, except RDC, to have a resident advisory committee that meets monthly with the superintendent or designee to discuss facility issues affecting the residents.
- The following changes are proposed in Administration and Personnel:
  - Amends the provisions relating to community relationships and adopts provisions specific to the type of setting and locations.
  - Amends the background check sections to conform with the board variance issued November 2008.
  - Reworks the training sections. Separates out (i) orientation; (2) required initial training; and (3) retraining.
  - Adds a requirement for staff who transport residents to report any changes in their license status.
  - Clusters all provisions relating to volunteers together.
  - Reworks the staff and resident tuberculosis screening requirements to conform with the language of the Division of Tuberculosis Control in the Department of Health.
  - Removes the requirement to retain face sheets permanently.
  - Changes the requirements for administrative staff visiting the activity and living areas.
  - Requires all direct care staff to be certified in first-aid and CPR and to keep these certifications current.
  - Deletes sections relating to personnel records and human resources issues as these are governed by the Department of Human Resources Management and department personnel procedures.
  - Deletes the provision requiring a procedure regarding political activity on the premises.
- The following changes are proposed to the Physical Environment:
  - Amends requirements relating to fire inspections.
  - Groups all space utilization requirements into one section and removes the current regulatory requirements to accommodate study space and all requirements relating to live-in staff.

- Deletes the prohibition of having more than four residents in a sleeping area; does not require the sleeping environment to be conducive to sleep and rest.
  - Adds a hazardous chemicals section requiring a hazard communication plan.
  - Adopts board policy language regarding the facility's smoking prohibitions.
  - Requires food service operation maintenance and pest control plans.
  - Removes the prohibition on allowing residents to prepare food.
- The following changes are proposed to Safety and Security:
- Clarifies the requirements for residents and contract workers in implementing and training on the emergency/evacuation plan.
  - Reworks the searches of residents section to address facility-specific issues.
  - Defers to written procedures regarding weapons on the premises.
- The following changes are proposed to Residents' Rights:
- Changes requirement to mail visitation procedure from within 24 hours to by the end of "the next business day."
  - Adds a section titled "Contact with attorneys, courts, and law enforcement."
  - Removes the provisions regarding incontinent residents.
  - Removes the requirements for the facility to have a witness present when mail is examined by staff, to hold cash and stamps for the residents, and to review the procedures annually. Retains the requirement for the facility to provide two stamps per week and to allow correspondence with attorney/courts.
  - Allows exception to the daily shower requirement for the management of maladaptive behaviors.
  - Allows exception to the privacy provision when mental health issues require constant supervision.
  - Allows exception to the diet schedule to manage maladaptive behaviors or for institutional security.
- The following changes are proposed to Program Operation:
- Separates and reworks the sections regarding individual service plans and quarterly reports.
  - Adds language regarding the applicability and components of the classification plan.
  - Adds in the communication with parents section a requirement for each JCC to provide parents with the contact information for an individual at the facility to which inquiries may be addressed and, if the parent requests, to be invited to any scheduled staffing or treatment team meetings.
  - Redefines "rest day" as the period during which the employee is scheduled off versus actually off.
- The following changes are proposed to Health Care Services:
- Requires direct care staff to be trained in certain health procedures (derived from board policy 12-001.21).
  - Requires a dental examination upon admission to a JCC (derived from board policy 12-003).
  - Requires a resident's immunizations record to be updated, except when the resident qualifies for an exemption under state law (derived from board policy 12-003).
  - Requires health screenings when a resident is transferred between JCCs (derived from board policy 12-003).
  - Requires procedures for sick call and timely responding to medical issues (derived from board policy 12-004).

- Requires emergency health care services at JCCs (derived from board policy 12-007).
- Requires the resident to have a physical 30 days prior to release (derived from board policy 12-003).
- The following changes are proposed to Behavior Management:
  - Changes the requirement for all residents to have a behavior support plan to a requirement for a behavior support contract to be developed when there is a need for supports in addition to those provided for in the behavior management program.
  - Prohibits the use of chemical agents.
  - Reworks all provisions relating to room confinement, isolation, and administrative segregation.
  - Streamlines the process for monitoring residents in mechanical restraints.
- Redrafts confusing language, and deletes unnecessary verbiage.
- Makes other technical and stylistic changes, such as deleting provisions that are duplicative of other regulatory or statutory requirements (e.g.; the restatement that the facility must comply with laws or procedures).
- Lists those sections that are completely deleted after "Detail of changes" on page 56.

## Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

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The Board of Juvenile Justice serves as the regulatory authority for secure residential facilities, both juvenile correctional centers and local detention centers, and the group homes/halfway houses operated by or funded through the department. Currently, these facilities are governed by two separate regulations: (1) the Standards for Juvenile Residential Facilities (6VAC35-140) and (2) the Standards for the Interim Regulation of Children's Residential Facilities (6VAC35-51), unless specifically exempted.

The current regulatory scheme has several difficulties in application. Each regulation has the full force and effect of law. Unfortunately, some of the provisions are contradictory or conflict. Additionally, there are numerous exclusions for the different types of facilities from a variety of regulatory provisions. Sometimes it is unclear exactly which facilities are exempted and to which section or subsection such exceptions are applicable.

To address these issues the department considered two courses of action: (1) consolidate the two existing regulations into one or (2) separate the two regulations into three regulations, one for each different "type" of facility regulated by the board.

Due to the distinct characteristics of the types of facilities regulated by the Board of Juvenile Justice and the complexity of applying a single regulation to the appropriate facility, it was concluded that it would be difficult to regulate all such facilities in one single regulation. The board approved pursuing the second course of action. Thus, the department is proposing separate regulations for the three distinct types of

facilities it regulates: (1) juvenile correctional centers; (2) detention centers; and (3) group homes/halfway houses.

Having clear, concise regulations is essential to protecting the health, safety, and welfare of residents in juvenile correctional centers and citizens in the community. With clear expectations for the administrators running these facilities, the facilities will be able to be run more smoothly and utilize any extra resources for supporting the needs of the residents, thus supporting the overall rehabilitation and community safety goals of the department.

This regulation poses no known disadvantages to the public or the Commonwealth.

**Requirements more restrictive than federal**

*Please identify and describe any requirement of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

Conditions of confinement in JCCs are subject to federal constitutional requirements as well as applicable federal law and regulations (i.e.; the Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendments Act of 2008, 42 USC § 12101). The proposed regulation imposes requirements consistent with the applicable provisions and governing case law (i.e.; investigative finding letters, settlements, and court decisions of the United States Department of Justice, Civil Rights Division under the Civil Rights for Institutionalized Persons Act [42 USC § 1997 et seq.] and other statutes and regulations.)

**Localities particularly affected**

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

The proposed regulation will govern the seven state-operated JCCs (and, should they be established, any boot camps or privately operated JCCs). Thus, no localities are particularly affected by the proposed regulation.

**Public participation**

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

In addition to any other comments, the board/department is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board/department is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: (1) projected reporting, recordkeeping, and other administrative costs; (2) probable effect of the regulation on affected small businesses; and (3) description of less intrusive or less costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email, or fax to **Patricia Rollston, Legislative Analyst at Virginia Department of Juvenile Justice, P.O. Box 1110, Richmond, Virginia 23218-1110; by electronic mail at [patricia.rollston@djj.virginia.gov](mailto:patricia.rollston@djj.virginia.gov); via telephone at (804) 786-4194; or via facsimile at (804) 371-0773.** Written comments must include the name and address of the

commenter. In order to be considered, comments must be received by the last day of the public comment period.

A public hearing will be held and notice of the hearing may be found on the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.*

<p><b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.</b></p>	<p>Nominal. The de minimus cost of updating procedures and program monitoring criteria will be absorbed internally through existing systems.</p>
<p><b>Projected cost of the new regulations or changes to existing regulations on localities.</b></p>	<p>None. The regulation affects seven state-operated JCCs.</p>
<p><b>Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.</b></p>	<p>The regulation affects seven state-operated JCCs. Thus, it will affect the facilities' administrations, staff, and any contract service providers, in addition to the residents in each facility.</p>
<p><b>Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There are seven state-operated JCCs. Each facility contracts with different groups for services, which may fall under the definition of a small business. These service and program providers may be publicly or privately operated, and it is unknown how many meet the criteria for small businesses.</p>
<p><b>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and do include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</b></p>	<p>Nominal. The substantive changes to the regulation, while requiring the implementation of some additional procedures, will require minimal, if any, costs for the affected individuals, businesses, or other entities. The overall purpose of this revision was to streamline the regulations. It is projected that there will be an overall positive impact of the proposed changes There are no specific costs relating to the development of real estate.</p>
<p><b>Beneficial impact the regulation is designed to produce.</b></p>	<p>Having clear, concise, and consistent requirements across facilities promotes the health, safety, and welfare of citizens by ensuring consistency in services throughout the Commonwealth. The proposed amendments would streamline the reporting and compliance requirements while not affecting the quality of services provided by the facilities and the administrators or the ability of the department and the board to oversee such</p>



	functioning.
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**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

Initially, retaining the current regulatory scheme was considered. However, given the difficulty in application with (1) conflicting provisions and (2) confusion regarding exemptions and exceptions, this step was rejected.

It was then reviewed whether the necessary revisions could be accomplished through department procedures, guidance documents, or training, rather than revising the regulatory provisions. Specifically, since this regulation will apply only to the department-operated JCCs, it was considered whether the necessary changes could be incorporated into the department's Division of Institutions' "Operations Manual" for JCCs. While it is anticipated that, during this process, the regulation will be reviewed to determine whether current regulatory requirements would be more appropriately contained in department procedures, this review would not correct the difficulty in application and interpretation of the current regulatory scheme. Additionally, the Operations Manual does not rise to the level of regulatory requirement. Thus, the basic and minimum requirements will be reviewed for necessity and retained as necessary in the regulation, with deference to procedures whenever possible (particularity in light of the fact that the proposed regulation will deal only with the state-operated JCCs, which are all subject to the requirements in the Operations Manual.)

Two alternative courses of action were considered: (1) consolidate the two existing regulations into one or (2) separate the two regulations into three regulations, each consolidating the provisions for the three different "types" of facility regulated by the board. The latter of these courses of actions was adopted by the board. Representatives of each of the "types" of facilities were consulted, and all were in support of this proposal.

Furthermore, given statutory and regulatory changes since 2005, the department determined that a comprehensive review and updating of the regulation is essential for ensuring consistency and avoiding ambiguity in interpretation by facilities across the Commonwealth. Thus, in addition to consolidating and separating the current regulations, the department will anticipate conducting a review of (1) the applicability and necessity of each provision; (2) the sections as applicable to JCCs; and (3) whether the Operations Manual is a more appropriate vehicle for communicating expectations, outlining best practices, and providing procedural guidance when the added authority of a regulation is not required.

**Regulatory flexibility analysis**

*Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5)*

*the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

The proposed regulation may affect small business in as much as a small business provides a program or service subject to this regulation. Having clear, concise, and consistent requirements across facilities (i) provides such entities with clear requirements and (ii) ensures consistency in such requirements throughout the Commonwealth. The proposed amendments would streamline the compliance and reporting requirements while not affecting the quality of services provided in facilities and to administrators subject to the regulation or the ability of the board or department to oversee such functioning and thus would benefit any affected small businesses.

**Public comment**

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

Commenter	Comment	Agency response
Liane Rozzell, Families and Allies for Virginia's Youth	<p><u>Definition of family</u></p> <p><i>Requested:</i> Regulation should define family to include family members with close ties to residents (including extended family and informal kinship relations that are not always legally recognized such as pastors, teachers, and other positive role models important to youths' success upon release).</p>	<p>The proposed regulation addresses the rights of residents and, in part, their parents and legal guardians. The term "family" is used in (i) section 10 in the definition of "case record;" (ii) sections 560 (D) and 580 (A) &amp; (B) when restricted to "immediate family members;" section 770 regarding the provision of case management services; and (iii) sections 790 (B) and 800 (A) regarding projected family involvement in the individual service plans and actual involvement when reporting quarterly progress. "Family" is also used in the definition of health care services, referring to family planning, and in section 855 regarding the appropriate manual for guiding medical practices.</p> <p>In these circumstances, the term "family" adopts its meaning in common usage and does not need to be defined in the regulation. Any particular specifications may be addressed in department procedures.</p>
Liane Rozzell, Families and Allies for Virginia's Youth	<p><u>Serious incident reports – parent/guardian notice</u></p> <p>Expressed concern that prompt notification of parents is not explicitly covered in the regulations.</p> <p><i>Requested:</i> Regulation should require DJJ to inform parents/guardians about matters related to their children's welfare and treatment, including prompt</p>	<p>The proposed regulation contains the following provisions regarding parental notification:</p> <ul style="list-style-type: none"> <li>➤ Section 60 requires notification to the parents or legal guardians, as appropriate and applicable, within 24 hours of a serious accident, illness, or incident.</li> <li>➤ Section 460 requires notification to legal guardians within 72 hours of a disaster.</li> <li>➤ Section 1060 requires notification to the parent or legal guardian as soon as practicable when residents are taken outside of the facility</li> </ul>

Commenter	Comment	Agency response
	<p>notification of illness, injury, suicide attempts, medical transfer, or death. Such notification should be given as soon as possible and no later than one hour after any serious incident or death.</p>	<p>for medical attention.</p> <p>These provisions in the proposed regulation are duplicative of the existing regulations governing JCCs and represent the minimum standards for parental notification. Department procedures provide for a three-tiered notification process depending on the severity of the incident and, in certain circumstances, such notification must be done within an hour. The request to require all notification of parents to occur no later than one hour would not account for differences in the severity of instances and difficulty of circumstances. Such nuanced provisions are more appropriately accommodated in department procedures, and the regulations should retain the minimum standard.</p>
<p>Liane Rozzell, Families and Allies for Virginia's Youth</p>	<p><u>Grievances/Ombudsman</u> Expressed concern regarding parents' abilities to advocate for their children.</p> <p><i>Requested:</i> (1) Regulation should mandate that parents/guardians have access to, and information about, the department's Ombudsman for resolution of grievances when policies and procedures are violated. (2) Regulation should mandate that parents/guardians have the right to file grievances or appeal decisions on behalf of residents.</p>	<p>Section 680 of the proposed regulation requires the facility to provide the parent or legal guardian with information on how to register concerns and complaints with the facility. To meet this effect, the department procedure requires parents be given the contact information for the facility superintendent and for the department's Office of the Ombudsman.</p> <p>Furthermore, per section 80 of the proposed regulation, which is consistent with the current regulatory requirements, the department has established a grievance process for residents to redress concerns with occurrences in the facility. In this process, parents are provided with information on the resident's grievance procedure. However, participation in the grievance process is limited to residents. Parents may address concerns directly with the superintendent or through the Office of the Ombudsman. The contact information for both is provided at intake.</p>
<p>Liane Rozzell, Families and Allies for Virginia's Youth</p>	<p><u>Access to resident records</u> Expressed concern about parental access to resident records.</p> <p><i>Requested:</i> Regulation should mandate DJJ to ensure that parents/guardians have access to their children's records.</p>	<p>Section 16.1-300 governs the release of resident records. It states that records should be released but may be withheld from the parents if (i) it would be detrimental to the resident or others and (ii) a withholding procedure is followed. The requested regulatory provision would be contrary to the applicable Code provision.</p>
<p>Liane Rozzell, Families and Allies for</p>	<p><u>Parent/guardian orientation</u> Expressed concern about information provided to parents and</p>	<p>The proposed regulation (section 680) retains the current regulatory requirement regarding admission and orientation that</p>

Commenter	Comment	Agency response
Virginia's Youth	<p>their ability to effectively understand facility operations and communicate with facility staff.</p> <p><i>Requested:</i> (1) Regulation should mandate DJJ to orient parents/guardians to its facilities, policies, and procedures.</p> <p>(2) Regulation should require staff to provide parents/guardians contact information, including telephone numbers, fax numbers, and email addresses, for counselors and staff assigned to their children, the facility superintendent, and assistant superintendents.</p> <p>(3) At a minimum, regulation should require staff to provide parents/guardians with easy-to-understand information about (i) the REACH program, (ii) treatment programs, (iii) facility organization, (iv) the living quarters (including photos/video or a tour), (v) treatment team meetings and how to participate in them, (vi) the grievance process, and (vii) disciplinary procedures.</p> <p>(4) Regulation should require notice to parents/guardians within 48 hours when new staff are assigned to residents.</p>	<p>requires the department to provide the parent or legal guardian with "information on (i) visitation, (ii) how to request information, and (iii) how to register concerns and complaints with the facility."</p> <p>In accordance with this requirement and department procedure, parents receive an "intake packet" when their child is admitted to RDC or transferred to another JCC. This packet includes contact information at the facility, a facility brochure, a brochure for the Office of the Ombudsman, and an invitation to participate in treatment team meetings. In addition to this information, the department maintains information on each facility on its website (<a href="http://www.djj.virginia.gov">www.djj.virginia.gov</a>) and publishes annually the Data Resource Guide (available on the website) with information regarding each facility and the department's behavior management and treatment programs.</p>
Liane Rozzell, Families and Allies for Virginia's Youth	<p><u>Visitation</u></p> <p>Expressed concern regarding residents' ability to keep in contact with people who are important in their lives. Specific issues addressed were (1) visitation hours and (2) limitations on individuals allowed to visit.</p> <p><i>Requested:</i> (1) Regulation should enable residents to have visits from people who are important to them (such as extended family, pastors, teachers, mentors). DJJ should not exclude visitors from approved visitation lists except for specific circumstances or behaviors that threaten facility security or the</p>	<p>Section 580 in the proposed regulation, which is consistent with existing regulatory provisions, requires the department to implement procedures for visitation that account for facility security and order, resident and visitor behaviors, and the maintenance of strong family and community relationships.</p> <p>The department has implemented such procedures that allow weekly visitation with immediate family members and other visits as approved by the facility superintendent. This procedural requirement was not incorporated in the existing regulatory scheme. Accordingly, a provision was added to the proposed regulation for facilities to have procedures for the accommodation of special circumstances relating to visitation of residents in JCCs.</p> <p>Finally, given the unique status of JCCs</p>

Commenter	Comment	Agency response
	<p>physical or mental well-being of the youth. DJJ should document the reason for the exclusion.</p> <p>(2) Regulation should mandate making reasonable and regular accommodations for visitors who cannot attend the Sunday visitation.</p> <p>(3) Regulation should allow any person to visit unless specific behaviors or circumstances (like termination of parental rights) cause the facility to prohibit a specific individual.</p>	<p>with their high population, in a secure setting, with various security and classification levels of residents, the proposed regulatory requirements and current procedures relating to visitation are appropriate and allow for appropriate detail to be contained in department procedures.</p>
<p>Liane Rozzell, Families and Allies for Virginia's Youth</p>	<p><u>Parent/guardian participation - staffings/treatment team meetings</u></p> <p>Expressed concern regarding (1) parent participation in decisions affecting their children, (2) the opportunity of parents to communicate with facility staff, and (3) the limited amount of information shared with parents.</p> <p><i>Requested:</i> (1) Regulation should require DJJ staff to invite and facilitate the participation of parents/guardians, either in person or by telephone, in (i) RDC staffing, (ii) treatment team meetings, (iii) classification and review hearings, (iv) transition planning, and (v) at all other decision-making points.</p> <p>(2) Regulation should give parents/guardians and residents an explanation of treatment and placement decisions, including Length of Stay calculations.</p> <p>(3) Regulation should ensure that parents/guardians have the opportunity to meet confidentially, in person or by telephone, with staff involved with their children's care and programming.</p> <p>(4) Regulation should ensure parents/guardians are able to speak with their children's counselor and receive prompt communication from them, including return of phone calls and/or emails within one business day.</p>	<p>Section 790 requires parents/legal guardians to be invited to participate in the development of the residents' individual service plans, and section 800 requires the quarterly review of the residents' progress to be sent to the parents/legal guardians. In addition, department procedures require inviting parents/legal guardians to participate in all scheduled treatment team meetings.</p> <p>Regulations governing the juvenile court service units (6VAC35-150) require parental participation in release and transition planning (supervision/family involvement plans); and, in certain instances when a resident has a mental health condition requiring services in the community, the Mental Health Transition Regulation (6VAC35-180) requires parents to be invited to participate in planning for such services.</p> <p>Parents may participate in most meetings, including staffings where the residents' lengths of stays are explained, as required by the Length of Stay Guidelines. Such participation may be in person, via telephone, and, if available, via video conferencing. However, parents may not participate in classification, placement, and review hearings as these are administrative meetings necessary for the safety and security of the residents and the facility. Additionally, any individual questions may be addressed with the residents' counselors.</p> <p>In accord with the comment, the proposed regulation, in section 760, incorporates part of the department procedure regarding (i) providing parents with contact information at the facility and (ii) invitations to certain</p>

Commenter	Comment	Agency response
<p>Liane Rozzell, Families and Allies for Virginia's Youth</p>	<p><u>Parent/guardian participation in treatment</u>                      Expressed concern regarding parental (i) involvement in medical decisions, (ii) presence during medical procedures, and (iii) notification of medical procedures.</p> <p><i>Requested:</i> (1) Regulation should require DJJ to invite and facilitate meaningful participation by parents/guardians in residents' treatment, including medical and behavioral health treatments. (2) Regulation should clearly state that unless the treatment is on an emergency basis, parents/guardians must be notified in advance and given the opportunity to be present.</p>	<p>meetings.</p> <p>Consent for the surgical and medical treatment of minors is given in accordance with § 54.1-2969 of the Code of Virginia. Sections 930 and 1060 of the proposed regulation, respectively, require consent and notification in accordance with this Code section. Adult residents consent to their treatment and parental notice is provided only when authorized by the resident. Department procedures operationalize these provisions and require, when appropriate and applicable, timely parental notification.</p> <p>Given (i) that JCCs house both minor and adult residents; (ii) the nuances in health care law and regulations regarding the age of consent; and (iii) the complexity of the provisions of § 54.1-2969, it would be difficult to create an appropriate regulatory provision that accounted for the multitude of circumstances in this complex area of law.</p>
<p>Liane Rozzell, Families and Allies for Virginia's Youth</p>	<p><u>Parent/guardian notification</u>                      Expressed concern regarding notification of parents when residents are transferred between JCCs.</p> <p><i>Requested:</i> Regulation should require DJJ to notify parents/guardians of facility transfers within one day after the transfer or before the next visitation period, whichever is sooner. Residents should have the opportunity to call their families on the day they arrive at a new facility placement.</p>	<p>Section 710 of the proposed regulation requires the facility to notify the parent of any transfer within 24 hours of the transfer and of any emergency transfer as soon as practicable. Additionally, department procedures require the facility allow the resident to make a telephone call after a facility transfer. Residents may be transferred for behavioral, medical, or supervision issues; safety concerns; population management; or to accommodate treatment needs/programs. Some transfers are routine and some are due to emergency situations. The requested provision would be addressed more appropriately in procedures given the many types and reasons for transfers.</p>
<p>Liane Rozzell, Families and Allies for Virginia's Youth</p>	<p><u>Resident communications with families</u>                      Expressed concern regarding the ability of residents in the medical infirmary to contact family.</p> <p><i>Requested:</i> Regulation should require DJJ to take reasonable efforts for families to communicate with youth in custody through visitation and telephone calls, even when youth are in the infirmary or</p>	<p>Section 580 in the proposed regulation, which retains the major substantive provisions of the existing regulation, requires the department to implement procedures for visitation that account for facility security and order, resident and visitor behaviors, and the maintenance of strong family and community relationships.</p> <p>This comment addresses several unique settings in JCCs (the infirmary, administrative segregation, and isolation). Visitation may not be denied in any of these settings. However,</p>

Commenter	Comment	Agency response
	<p>administrative segregation.</p>	<p>restrictions upon visitation may be imposed upon residents housed in administrative segregation units or in isolation that may not be imposed upon residents in the general population.</p> <p>Most outgoing telephone calls are made through the institutional telephone system. The institutional telephone system is available in most living units. However, residents in the infirmary may make calls upon request because the infirmary does not have the institutional telephone system available. As this is a special situation, access to telephone calls in the infirmary is dependent upon staffing and supervision needs. Therefore, access to and use of the telephone in the infirmary does require more supervision than in the living units and may be delayed for staffing and security reasons depending on the circumstances at the time of the request.</p> <p>Residents in the administrative segregation unit are entitled to telephone calls as a privilege when earned through the behavior management program. If earned, telephone calls may be made during the scheduled hours for access to the resident telephone system. Residents serving time in isolation (room confinement as a sanction for the violation of a rule of conduct) are prohibited from using the telephone. Once the isolation period has ended, the resident returns to that resident's living unit and, upon returning to the unit, will be allowed to use the telephone in the same manner as other residents, subject to that resident's unit's allowed access and scheduled use.</p>
<p>Liane Rozzell, Families and Allies for Virginia's Youth</p>	<p><u>Staff interactions with families</u> Expressed concern regarding communications with staff.</p> <p><i>Requested:</i> Regulation should mandate that staff treat families with professional courtesy, respect, and fairness regardless of race, religion, national origin, language, economic status, disability, gender, sexual orientation, or age.</p>	<p>Sections 160 and 170 require staff training in appropriate professional relationships, and federal and state law prohibit discrimination.</p> <p>Any additional requirements may be more appropriately addressed in the training materials and not in the regulation.</p>

**Family impact**

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulatory action should have a positive impact on families when residents receive services through a facility's program or staff member. To the extent the regulation improves those services or promotes health and safety in those services, they should have a positive impact on families. The regulation will serve to bolster family relationships and communities given the focus to prevent delinquency and promote youth development. The regulation is not expected to have any impact on disposable family income.

**Detail of changes**

Please detail all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please detail the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
10	Definitions. This section defines the following terms: -Annual (uses 13 month definition as previously adopted in the Interdepartmental regulations) -Board (of Juvenile Justice) -Case record/record (resident's information) -Contraband (unauthorized items) -Department (of Juvenile Justice) -Direct care (individuals committed to the Department) -Direct care staff (individuals responsible for the care of residents and security of the facility) -Direct supervision (working with residents while not in the presence of direct care staff) -Director (of the Department)	The current definitions governing JCCs are provided in 6VAC35-51-10 and 6VAC35-140-10.	The proposed section defines the terms used in the regulation, which are distinct to JCCs or assume a specific meaning when applied in the current context. From the existing regulations the following changes were made: (1) Definitions were deleted because the terms are not unique (such as the definition of "day" or "therapy") or because the terms are not or are no longer used in the proposed regulation (such as the definition of "good character and reputation"). (2) Definitions used only once in the proposed regulation were moved to the applicable section, and definitions specific to volunteers and health care services were moved to the corresponding parts. (3) Definitions were modified to conform to changes in laws and other applicable



Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	<ul style="list-style-type: none"> <li>-Emergency (unexpected events; examples provided)</li> <li>-Individual service plan/ service plan (goals and objectives for residents during commitment)</li> <li>-Juvenile correctional center/JCC/facility (regulated entity)</li> <li>-Living unit (where residents sleep and reside)</li> <li>-On duty (time when staff are not responsible for the direct supervision of residents)</li> <li>-Parent/legal guardian (includes biological, adoptive, court appointed, and delegated)</li> <li>-Premises (tract of land and structure of JCC)</li> <li>-Reception and Diagnostic Center/RDC (intake and evaluation JCC)</li> <li>-Regulatory authority (the Board or the Department)</li> <li>-Resident (individual committed and residing in a JCC)</li> <li>-Rules of conduct (behavioral expectations and available sanctions)</li> <li>-Superintendent (responsible for the daily, on-site management of the facility)</li> <li>-Written (electronic or hard copy)</li> </ul>		<p>regulations and to more appropriately reflect applicability in JCCs. (4) Definitions were added for terms used in the proposed regulation (such as "direct care," "direct supervision," and "written").</p>
20	<p>Previous regulations terminated: Enactment of this Chapter will replace the current regulations governing JCCs (6VAC35-51 and 6VAC35-140)</p>	<p>None.</p>	<p>The proposed section indicates the effect of enacting this Chapter on the current regulatory scheme. This Chapter will replace 6VAC35-51 and 6VAC35-140 relating to the certification of JCCs.</p>
30	<p>Certification: Requires all JCCs to (i) demonstrate compliance with the board's Certification Regulation (6VAC35-20); (ii) maintain current certification</p>	<p>6VAC35-20 governs the Board of Juvenile Justice's facilities' certification process. 6VAC35-70 provides the general requirements for</p>	<p>The proposed section states that JCCs are also subject to the board's Certification Regulation (6VAC35-20) and must comply with this Chapter and the Certification Regulation,</p>

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	<p>demonstrating such compliance; and (iii) retain documentation of such compliance for a minimum of three years.</p>	<p>certification. It requires facilities to be in substantial compliance with the regulation and to comply with terms of licensure, the regulation, other applicable laws and regulation, and its procedures. It also requires some reporting to the regulatory authority and a procedure manual to be accessible to staff and details some responsibilities of the regulatory authority. 6VAC35-51-240 states that facilities with adult residents must comply with the standards and provide separate accommodations as required by the regulatory authority.</p>	<p>maintain documentation of compliance, and keep a current certificate of compliance. The proposed regulation focuses solely on the responsibilities of the JCCs and does not address the responsibilities of the regulatory authority. By including a cross-reference to the Certification Regulation, this section clearly states the applicability and importance of complying with both this Chapter and the Certification Regulation.</p>
40	<p>Relationship to the regulatory authority: This section requires JCCs to provide the regulatory authority with any reports or records necessary to establish compliance with this Chapter.</p>	<p>6VAC35-20 governs the Board of Juvenile Justice's facilities' certification process. 6VAC35-70 provides the general requirements for certification. It requires facilities to be in substantial compliance with the regulation and to comply with terms of licensure, the regulation, other applicable laws and regulation, and its procedures. It also requires some reporting to the regulatory authority and a procedure manual to be accessible to staff and details some responsibilities of the regulatory authority. 6VAC35-51-230 requires facilities provide appropriate documentation to</p>	<p>The proposed section clarifies the necessity of facilities to work with the regulatory authority in the certification process.</p>

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
		<p>the regulatory authority and for any change in administration to be reported within five working days.                      6VAC35-51-110 requires facilities to follow the terms of the certification, to request changes in operation in advance, and to not implement any change without prior approval.</p>	
50	<p>Variations: This section authorizes a facility superintendent to seek a variance in accordance with the Board's Certification Regulation (6VAC35-20) and prohibits implementation of a variance prior to obtaining the approval of the board.</p>	<p>6VAC35-51-150 sets three criteria for the issuance of the variance. It also states that the variance must be approved prior to implementation.</p>	<p>The proposed section allows facilities to seek a variance to a regulatory requirement (under the conditions and provisions of the Board's Certification Regulation). This section recognizes that special circumstances may warrant variances from certain provisions for specific facilities.</p>
60	<p>Serious incident reports: This section requires certain serious incidents, accidents, and illnesses to be reported to the director, a resident's parent/legal guardian, and supervising agency within 24 hours. It also requires documentation of such incidents and required reporting.</p>	<p>6VAC35-51-1030 requires serious incidents to be reported to the placing agency and the parent/guardian within 24 hours and serious illness or injuries to be reported to the regulatory authority within 24 hours. It lists components of the required documentation.</p>	<p>The proposed section requires the facilities to report certain serious incidents to the director, parents, and supervising CSU. It also contains documentation requirements, including noting in the resident's record, but allows flexibility as to how the documentation is retained. It also cross-references reporting child abuse or neglect (section 70) so that all reports are done appropriately.</p>
70	<p>Suspected child abuse or neglect: This section requires facilities report any suspected child abuse or neglect to the local department of social services as required by the Code and to the director, CSU, and the parent. It also requires documentation of such cases and procedures for the handling of such complaints.</p>	<p>Section 63.2-1509 of the Code of Virginia mandates the reporting of any suspected child abuse or neglect by staff in children's residential facilities.                      6VAC35-51-1040 requires procedures for handling, reporting, and documenting CPS allegations.</p>	<p>The proposed section requires reporting of suspected child abuse or neglect in accordance with the governing statute. It also requires facilities to follow procedures for reporting to the director, CSU, and parents and for documenting and handling such complaints and investigations. It does allow flexibility as to how the documentation is retained (defers</p>

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
			to procedures as long as it is noted in the resident's record).
80	Grievance procedure: This section requires the superintendent to ensure compliance with the department's grievance procedure. It also specifies certain requirements of the procedure, orientation of the residents to the procedure, and cooperation in handling any complaints.	6VAC35-51-1050 requires procedures governing grievances and lists required components. 6VAC35-140-70 requires residents to be oriented to and have continuing access to a grievance procedure. It requires the procedure to provide for resident participation, documentations, timely responses, one level of appeal, administrative review, protection from reprisal, emergency hearings, and document retention.	The proposed section, consistent with current regulatory requirements, requires facilities to follow certain specific procedures relating to the ability of residents to file grievances while at a facility. It removes the existing requirement that such procedures shall be posted in an area accessible to the parents (as parents may not use the grievance system, but can redress complaints with the Office of the Ombudsman and facility personnel) and retains the requirement for residents to be orientated to the procedures and for the procedures to be posted in an area accessible to residents.
90	Resident Advisory Committee: This section requires each facility to have a resident advisory committee meet monthly to go over residents' concerns in areas of the residential program that affects their lives.	Board policy 20-112 requires facilities to provide a means for residents to have input into areas of the residential program that may affect their lives. It requires a committee, representative of the facility's population, to meet at least monthly under established bylaws.	This new regulatory section is derived from board policy 20-112 and is consistent with department procedures.
100	Administration and organization: This section requires facilities to have organizational charts showing the functions, services, and activities of the administrative subunits.	6VAC35-140-713 requires each facility to have an organizational chart grouping similar functions, which is reviewed as needed.	The proposed section retains the requirement to have an organizational chart and for the review of such charts as needed.
110	Organizational communications: Requires each facility to comply with department procedures for reporting incidents, data, and information; requires the superintendent to meet monthly with department	6VAC35-140-715 requires each facility to comply with department procedures for reporting incidents, data, and information; requires the superintendent to meet monthly with department	The proposed section retains the current requirements for reporting procedures and monthly meetings. It modifies the requirements for visiting the living and activity areas to account for feasibility issues with weekly visits for all the

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	heads; and requires the superintendent or specific designated personnel to visit the living and activity areas weekly, with the requirement that the superintendent visit at least monthly.	heads; and requires the superintendent or assistant superintendent and department heads to visit the living and activity areas weekly.	designated personnel, particularly in the larger facilities.
120	Community relationships: This section requires facilities to have a designated community liaison and allows for a community advisory committee, if appropriate.	6VAC35-140-714 requires each JCC to have a community advisory committee	The proposed section requires each JCC to have a community liaison and allows a community advisory committee, if appropriate. Under current provisions, each facility has a committee; however, at some facilities no community members participate. This section allows for flexibility in the manner of communications with the community.
130	Participation in human research: This section prohibits the use of residents as subjects in human research except in accordance with applicable statutes and regulations.	6VAC35-51-660 requires procedures for resident participation in human research. Section 32.1-162.16 et seq. of the Code of Virginia requires the department to establish regulations regarding residents as subjects of human research. 6VAC35-170 contains the applicable regulatory provisions.	The proposed section brings the regulatory provision in compliance with the statute and regulation, which became effective after this regulation was last reviewed.
140	Background checks: This section requires background checks to be performed, in accordance with § 63.2-1726 of the Code of Virginia for staff prior to working alone with residents. It also requires procedures for the supervision of non-employee persons who have contact with residents.	Sections 66-10 and 63.2-1726 of the Code of Virginia require background checks on all staff in children's residential facilities prior to such staff working alone with residents. 6VAC35-140-260 requires background checks to be completed on all staff who work alone with residents.	The proposed section has been changed in accordance with recent statutory changes (Chapter 873 of the 2008 Acts of the General Assembly) and a 2008 variance to the applicable regulation. This section allows the conditional hire of employees pending fingerprint results if the individual is informed such employment is contingent upon the successful completion of the background check and if that individual is not allowed to be alone with residents and is

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
			supervised by staff whose background checks are completed when working with residents pending return of the fingerprint results.
150	Required initial orientation: This section requires all employees to be oriented on eight components specific to the facility before their eighth work day at the facility. It requires direct care staff to receive additional training (eight additional components) prior to working with residents while not under the supervision of fully-trained staff. It cross-references the volunteer orientation section.	6VAC35-140-280 requires initial orientation in accordance with the job description and an annual training plan. It requires orientation, prior to assuming job duties, in the program, rules, residents' rights, disciplinary procedures, emergency procedures, and documentation requirements.	The proposed section creates a separate orientation section with specific requirements for all employees and direct care staff. Staff in JCCs currently receive an extensive orientation during their first week of work. This section merely clarifies the requirements on which staff are currently being oriented.
160	Required initial training: This section requires (1) all employees to have training necessary to be competent in their positions; (2) contractors to be trained to perform their positions in a correctional environment; (3) direct care staff and staff with direct supervision responsibilities to have 120 hours of initial training including training in 14 specific areas; (4) administrative and managerial staff to have 40 hours of initial training; (5) clerical staff to have 16 hours of initial training; (6) staff who administer medications to complete required trainings prior to administering medication; and (7) medical staff to be trained in TB control practices. It allows contract providers to have credentials to satisfy the training requirement (although they must be oriented per the previous section and cross-references	6VAC35-51-310(A) requires initial training (1) in seven days for behavior management procedures; (2) within 14 days before being alone supervising residents for emergency planning issues; and (3) within 30 days in CPS, reporting, maintaining relationships, suicide prevention, standard precautions, good neighbor, and siting. It addresses the medication training program and the quality improvement plan. It also requires enrollment in CPR/first-aid classes within 30 days. 6VAC35-140-280 requires direct care staff to be trained in the rules of conduct for residents, rationale for the rules, and applicable sanctions. 6VAC35-140-711 applies only to JCCs and requires initial training of 120	The proposed section pulls together many current regulatory provisions. In the current scheme, there are many different deadlines for completing training (seven, 14, and 30 days, and before working with children). The timing for training requirements has been streamlined to require all trainings to be completed for direct supervision and direct care staff prior to being responsible for the supervision of residents. Direct care and direct supervision staff currently undergo extensive initial training (titled "basic skills"), which already incorporates the required components of this section.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	the volunteer training section).	hours for direct care staff and professional specialists (administrative - 40 hours and clerical staff – 16 hours). It also requires library reference services be available at DJJ's training facility.	
170	<p>Retraining: This section requires all staff to receive retraining sufficient to meet any professional development needs, with direct care staff and staff who directly supervise residents to have 40 hours, administrative and managerial to have 40 hours, and clerical to have 16 hours annually. Contractors are to have retraining necessary to work in a correctional environment. All staff are required to be retrained in emergency procedures. Direct care staff and staff who provide direct supervision must have retraining in eight specific areas. Direct care staff must keep their CPR and first-aid certifications current. Staff who administer medications must receive an annual refresher training on the administration of medication. Staff who apply physical or mechanical restraints must receive annual retraining on such use. This section allows contract providers to have credentials to satisfy the training requirement and specifies that failure to be properly retrained prohibits staff from working directly with residents.</p>	<p>6VAC35-51-310(B) requires staff, volunteers, and contractors to be retrained annually in emergency procedures; medication administrators to undergo medication administration retraining; direct care staff to undergo retraining in behavior management techniques; and all staff to be retrained in CPS reporting, maintaining relationships, and suicide prevention. Subsection(C) requires all full-time staff to undergo 15 additional hours of training. Subsection (D) requires procedures for other staff training, and (E) requires retraining based on needs and competencies. 6VAC35-140-280 requires 40 hours of training annually and retraining in the regulation, suicide prevention, special residents' medical needs, health screenings, and mechanical restraints.</p>	<p>The proposed section clearly details the retraining requirements. It retains the required hours of annual training from the current regulations. It also requires all direct care staff to maintain current certification in CPR/first-aid, which is not a current regulatory requirement.</p>
180	Code of ethics: This section requires facilities to have standards of conduct	6VAC35-140-275 requires all facilities to have a code of ethics	Current regulations and procedures require a code of ethics. The proposed section

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	available to all employees.	which requires a provision prohibiting employees from using their official position to secure privileges or engaging in activities that constitute conflicts of interest.	merely deletes the specific requirement that the standards of conduct include a prohibition of using one's position for personal gain. This requirement is procedural and currently contained in the department's code of ethics.
190	Reporting criminal activity: This section requires staff to report any criminal activity by staff or residents and the superintendent to report such activity as required by department procedure. It further requires staff to cooperate in any investigations.	6VAC35-140-130 requires facilities to mandate staff report all known criminal activities by staff and residents.	The proposed section clarifies the responsibilities of the staff and superintendent regarding reporting criminal activity.
200	Notification of change in driver's license status: This section requires staff who may transport residents to maintain a valid driver's license and report any change in license status to the superintendent or designee.	6VAC35-51-1010, in part, requires any staff involved in the transportation of residents to comply with laws relating to the licensure of driving.	The proposed section reiterates the requirement for staff who transport residents to be appropriately licensed. It adds an affirmative obligation for staff members to report any applicable change in licensure status.
210	Definition of volunteers and interns: This section defines volunteers and interns.	6VAC35-51-10 and 6VAC35-140-10 define volunteers.	The proposed section modifies the definition to include interns, as applicable provisions apply equally to volunteers and interns.
220	Selection and duties of volunteers and interns: This section requires JCCs to follow procedures regarding the selection and use of volunteers. The procedures must contain a provision for evaluating persons wishing to associate with residents. It also requires volunteers to have the appropriate qualifications for any services provided; requires any volunteer responsibilities to be clearly defined in writing; and prohibits volunteers for being responsible for the duties of direct care staff.	6VAC35-51-400 requires procedures for the selection and use of volunteers; prohibits volunteers from providing basic services; requires the responsibilities to be clearly defined in writing; and requires all volunteers/interns to be qualified for any services rendered. 6VAC35-51-950(B) requires facilities to implement procedures for evaluating groups/individuals to	The proposed section consolidates the responsibilities regarding the selection and use of volunteers. It is consistent with current regulatory requirements and with department procedures.



Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
		associate with residents and whether such association is in the residents' best interests.	
230	Volunteer and intern background checks: This section requires individuals who volunteer on a regular basis or intern in JCCs or individuals designated as leaders of volunteer groups to undergo applicable background checks and such checks to be documented. It also requires JCCs to implement procedures for supervising volunteers who have not had background checks who have contact with residents.	Sections 66-10 and 63.2-1726 of the Code of Virginia require background checks on all individuals who volunteer on a regular basis and will be alone with residents. 6VAC35-140-260 requires background checks on personnel. 6VAC35-51-300 requires personnel records to retain proof of the completed background checks.	The proposed section requires background checks on volunteers and interns consistent with the requirements of the Code of Virginia, board regulations, and department procedures.
240	Volunteer and intern orientation and training: this section requires certain volunteers and interns to be oriented on eight items and trained, within 30 days of their start date, on procedures applicable their duties and responsibilities in the event of a facility evacuation.	6VAC35-51-310 and 6VAC35-140-280 require certain trainings/ orientation for volunteers. 6VAC35-51-1060 requires volunteers to be trained in emergency procedures.	The proposed section extracts the orientation and training requirements for volunteers from the existing regulatory structure and consolidates them in one section.
250	Employee tuberculosis screening and follow-up: This section requires staff to have an up-to-date TB screening before starting work at facilities. It also requires subsequent screenings under certain circumstances and requires all screenings, prevention, and treatment to be conducted in accordance with the requirements of the Division of TB Control at VDH.	6VAC35-51-250 requires health information to be maintained on employees and residents in all facilities. It also requires TB testing and subsequent TB evaluations.	The proposed section allows flexibility in practice in order to conform with the recommendations and requirements of the Division of TB Control at the Virginia Department of Health (VDH).
260	Maintenance of residents' records: This section requires a case record and a separate health care record to be	6VAC35-51-640 requires a case record and a separate health record for each resident to be	The proposed section is consistent with current regulatory requirements and department procedures. It does

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	<p>maintained for each resident. The records are to be kept confidential and released only in accordance with applicable Code sections. A procedure shall govern the maintenance of the records and shall address specific requirements regarding confidentiality. It further requires the residents' case record and health records to be stored separately after release and to be retained as required by the Library of Virginia.</p>	<p>maintained uniformly and confidentially with governing procedures (components listed). The face sheet must be retained permanently.</p>	<p>not contain an existing provision regarding automated records as the department operates under a separate regulatory chapter (6VAC35-160). It also no longer requires records to be maintained in metal containers (as a cabinet or container that protects against fire and flood may now be of a substance other than metal). It also cross-references the statute governing confidentiality of residents' records in order to provide a reminder to facilities that any distribution of the records must be in accordance with these statutes.</p>
270	<p>Face sheet: This section requires a face sheet to be maintained on each resident. It lists specific components on the document and requires it to be maintained as changes occur.</p>	<p>6VAC35-51-700 requires a face sheet and details specific components.</p>	<p>The proposed section removes some of the procedural language and requirements to maintain information on the face sheet that is already and more appropriately maintained elsewhere (thus reducing duplicity in practice). The face sheets are no longer required to be maintained permanently, which is consistent with the document retention policies of the Library of Virginia. The requirement to retain discharge information was moved to the discharge section (section 720).</p>
280	<p>Buildings and inspections: This section requires new construction, major renovations, and temporary structures to be inspected and approved by appropriate building officials (as documented by a current certificate of occupancy). It requires facilities to maintain documentation of annual fire inspections (as required by the building code and interpreted by the State Fire Marshal's Office). It also requires annual inspections of</p>	<p>6VAC35-51-420 requires a certificate of occupancy for all buildings; annual fire inspections; annual inspections of sanitation, sewer, water, food service operations, and swimming pools; the buildings to be suitable to the designated purposes; and any building plans to be approved by the regulatory authority.</p>	<p>The proposed section clarifies what the facilities' responsibilities are regarding annual inspections. The current regulatory scheme requires fire inspections to be conducted annually (defined as once every 13 months). However, facilities do not conduct the fire inspections. For JCCs, these inspections are conducted by the State Fire Marshal. The Fire Marshal requires state facilities to be inspected once every nine to 15 months (thus having flexibility to schedule and to</p>

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	sanitation, sewage, water, and food systems (in addition to any swimming pools).		have a wide date range so facilities must remain prepared for such inspections at all times). As such inspections may exceed the 13-month maximum, the proposed regulation defers to the State Fire Marshal's definition of annual and requires facilities to (1) maintain documentation of the current certification and (2) document attempts to schedule inspections (and any necessary follow-up seeking inspections) should such inspections not be completed within the 13-month period.
290	Equipment and systems inspections and maintenance: This section requires safety, emergency, and communications equipment and systems to be tested and maintained according to the manufacturer's requirements or procedure (but must be done at least quarterly). If such a system is defective, facilities must immediately repair, remove, or replace the defective equipment.	6VAC35-140-310 requires the inspection of safety, emergency, and communications systems at least quarterly and more frequently if required by the manufacturer's instructions. 6VAC35-140-320 requires facilities to take immediate steps to repair or replace defective equipment.	The proposed section is consistent with the current regulatory scheme and department procedures. It provides additional guidance by having the superintendent maintain a listing of all safety, emergency, and communications equipment and systems subject to the requirements of this section.
300	Alternate power source: This section requires facilities to have access to an alternative power source to maintain essential services in an emergency.	6VAC35-140-615 requires secure facilities to have access to an alternative power source to maintain essential services in an emergency.	The proposed section is consistent with the current regulatory provision and department procedures.
310	Heating and cooling systems and ventilation: This section requires heat to be distributed to all rooms so that the temperature is not below 68°F. It also requires rooms to be ventilated when temperatures exceed 80°F.	6VAC35-51-430 requires heat to be evenly distributed to be no lower than 68°F, natural or mechanical ventilation to the outside in all rooms, and air-conditioning/fans in all rooms where temps exceed 80°F.	The proposed section is consistent with the current regulatory provision and department procedures.
320	Lighting: This section requires sleeping and activity areas to have natural lighting;	6VAC35-51-440 requires electric lighting to be sufficient for activities	The proposed section is consistent with the current regulatory provision and

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	lighting to be sufficient for the activities being performed; and night lighting to be sufficient to observe residents. It also requires flashlights to be available for each direct care staff and outside entrances and parking areas to be lighted.	being performed, continuous at night, and in outside entrances and parking areas. It also requires flashlights to be available for each staff at night. 6VAC35-140-330 requires natural lighting in sleeping/activity areas and lighting at night to be sufficient to observe the residents.	department procedures.
330	Plumbing and water supply; temperature: This section requires plumbing to be operational, an adequate supply of hot and cold running water, and precautions to be taken to avoid scalding by hot water.	6VAC35-51-450 requires plumbing to be maintained in good operating condition, an adequate supply of running water, and precautions to be taken to prevent scalding (water temperature between 100-120°F).	The proposed section is consistent with the current regulatory provision and department procedures.
340	Drinking water: This section requires all sleeping areas (in facilities constructed after 1/1/1998) and all activity areas to have fresh drinking water for residents' use.	6VAC35-140-520 requires fresh drinking water and toilet facilities in all sleeping and activities areas (applies only to secure facilities).	The proposed section is consistent with the current regulatory provision and department procedures.
350	Toilet facilities: This section requires one toilet, sink, and shower in each living unit and for a specific number of residents and staff; toilet facilities available in all sleeping areas (if constructed after 1/1/1998); and one bathtub in the facility.	6VAC35-51-460 sets the requirements for the number of toilets, sinks, showers, and tubs in a facility.	The proposed section is consistent with the current regulatory provision and department procedures. It no longer contains the provision that staff shall have a bathroom separate from those available for residents' use. In any future construction this would be governed by the requirements of the state's Bureau of Capital Outlay Management (DGS).
360	Sleeping areas: This section requires separate sleeping areas for males and females; beds to be a certain distance apart (in facilities constructed after 7/1/1981) or to have an approved bed-placement plan	6VAC35-51-480 requires, in part, separate same-sex sleeping areas; no more than four residents to a room (except if allowed by the board in JCCs); three feet	The proposed section addresses issues specific to resident sleeping areas. It removes the provision regarding no more than four residents to a room as the board has approved dormitory sleeping areas in the facilities

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	(if built before 7/1/1981); mattresses to be fire retardant; and sleeping areas to comply with square footage requirements.	between beds; specific square footage requirements for bedrooms; and sleeping areas that are conducive to sleep and rest. 6VAC35-51-500 requires provisions for privacy from routine sight supervision, video, and audio monitoring by permission of regulatory authority.	built before 1981. Additionally, the proposed regulation addresses an issue at RDC where, due to facility design and the presence of concrete barriers in the sleeping areas, it is impossible to safely place the beds three or more feet apart. The board has previously issued a variance for these sleeping areas. The proposed regulation takes into account this situation by adding a date of construction caveat and imposes a check on any such practices by requiring any sleeping area where the beds are not three or more feet apart to have a bed-placement plan approved by the director or designee. It also removes the requirement for the sleeping environment to be "conducive to sleep and rest." The regulation currently requires lighting to be appropriate for the activities being performed. Also, such a requirement is subject to subjective application and assessment, particularly in light of the population at JCCs and that residents may act in a manner not conducive to sleep or rest during sleeping hours.
370	Furnishings: This section requires furnishings to be safe, clean, and suitable for use.	6VAC35-51-590(A) requires all furnishings and equipment to be safe, clean, and suitable.	The proposed section is consistent with the current regulatory provision and department procedures.
380	Disposal of garbage: This section requires the facility to provide for the collection and legal disposal of all garbage and waste materials.	6VAC35-51-600(B) requires facilities to provide for the legal disposal of waste.	The proposed section is consistent with the current regulatory provision and department procedures.
390	Hazardous materials and chemicals: This section requires each facility to have a hazardous communication plan governing the evaluation of potentially hazardous	6VAC35-140-340(B) requires facilities to have receptacles for disposal of flammable materials; and subsection (C) requires all flammable, toxic, and	The proposed section adds a requirement for a hazardous communication plan to the existing regulatory scheme. This provision is consistent with the requirements of the Occupational

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	chemicals and communication of hazards to staff. It also requires all hazardous materials to be stored, used, and disposed of in appropriate receptacles.	caustic materials to be stored in accordance with applicable laws.	Safety and Health Administration and department procedures. Each JCC already has a hazardous communication plan.
400	Smoking prohibition: This section prohibits residents from using tobacco products and staff from using tobacco products in any area where residents can see or smell the product.	6VAC35-51-490 prohibits smoking in living areas and areas where residents participate in programs. Board policy 20-107 prohibits use of tobacco products in locations where residents may see or smell such use.	The proposed section adopts the language from the board policy, which currently governs actions in JCCs.
410	Space utilization: This section requires each facility to have space, which may be used interchangeably, for specific activities, including indoor and outside recreation, kitchen and dining, laundry, storage, visiting, administrative activities, educational programming, and medical practice.	6VAC35-51-510 requires group homes to have a living room with a "home-like" environment and all facilities to have indoor recreation space with appropriate materials and, if more than 13 residents, that space must be separate from the living room. 6VAC35-51-530(B) requires adequate kitchen facilities. 6VAC35-51-540 requires laundry areas, if done at the facility. 6VAC35-51-550 requires storage space. 6VAC35-51-570 requires office space for administrative activities. 6VAC35-51-580(C) requires outdoor recreation space. 6VAC35-140-100 requires facilities that operate school programs to provide school classrooms. 6VAC35-140-90 requires residential facilities to have a designated visiting	The proposed section consolidates numerous existing regulations.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
		area. 6VAC35-140-470 requires secure facilities to have a central medical room with examination facilities. 6VAC35-51-580, in part, requires all facilities to have an outdoor recreation area.	
420	<b>Kitchen operation and safety:</b> This section requires JCCs to have a food operation maintenance plan that address four different procedural requirements. It also requires inventory and control of culinary equipment that is located in areas where residents are reasonably expected to have access; walk-in refrigerators to have emergency exits; and kitchen and dining linens to be cleaned in bleach.	6VAC35-51-530 requires meals to be served on tables and chairs, adequate kitchen facilities, and walk-in refrigerators to be equipped with emergency exits. 6VAC35-51-600(D) requires bleach to be used to launder bed, bath, table, and kitchen linens. 6VAC35-140-490, in part, requires all secure facilities to (i) have procedures governing access to food and utensils and (ii) the inventory and control of certain equipment.	The proposed section adds a requirement for a food operation maintenance plan to the existing regulatory scheme. This provision is consistent with the requirements of the federal school snack program and department procedures. Each JCC already has a food operation maintenance plan.
430	<b>Maintenance of the buildings and grounds:</b> This section requires all buildings and grounds to be safe, maintained, and reasonably free of clutter, rubbish, and foul odors. It also requires a plan to control pests and vermin and corrective action to be taken immediately if any conditions conducive to breeding pests and vermin are identified.	6VAC35-51-580, in part, requires the buildings and grounds to be maintained. 6VAC35-51-600(A) and (C) require all buildings to be well-ventilated and free of odors and flies and vermin.	The proposed section is consistent with the current regulatory sections and department procedures.
440	<b>Animals on the premises:</b> This section requires any animals housed at the facility to have clean sleeping areas and adequate food and water	6VAC35-51-610 requires animals maintained on the premises to be housed away from certain areas, provided clean quarters	The proposed section is consistent with the current regulatory provisions and department procedures.

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	and to be housed separate from sleeping and activity areas and the water supply. Any animals must be up to date on any required testing and inoculations. The premises should be kept free of stray animals.	and adequate food/water, and tested/licensed. It also requires the premises to be free of stray animals.	
450	Fire prevention plan: This section requires a fire prevention plan that provides for adequate fire protection service.	6VAC35-140-340(A) requires each facility to have a fire prevention plan that provides for adequate fire protection service.	The proposed section is consistent with the current regulatory provisions and department procedures.
460	Emergency and evacuation procedures: This section requires an emergency preparedness and response plan, which is reviewed annually, with six different components, including required procedures. It requires all employees to be trained and prepared to implement the plan; volunteers and contractors to be trained in their responsibilities in implementing the evacuation plan; and residents to be informed of their responsibilities in implementing emergency and evacuation procedures. It also requires notification to parents, the director, and the regulatory authority within 72 hours after the incident is stabilized; evacuation routes to be posted; evacuation drills to be conducted and documented; and a designated employee to ensure the plan and drill requirements are met.	6VAC35-51-1060 lists required components of each facility's emergency preparedness and response plan and mandates training, orientation, notice, drills, and review/monitoring. 6VAC35-140-620 requires secure facilities to (i) have a key control plan, (ii) to have fire/emergency keys instantly identifiable to the touch, and (iii) different master keys for internal and external doors. 6VAC35-51-480 requires, in part, special egress for physically handicapped residents.	The department and each facility currently have comprehensive emergency and evacuation plans. The proposed section is consistent with such plans, removes some procedural language, and adapts the responsibilities of residents, volunteers, and contractors to apply in the correctional environment.
470	Security procedures: This section requires procedures governing post orders;	6VAC35-140-580 requires procedures for regular searches of the	The proposed section consolidates many existing regulatory provisions and



Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	<p>population count; the control center; control of the perimeter; escapes and AWOLs; searches of the building; and control and detection of contraband.</p>	<p>secure facilities, which provide for respecting residents' rights to their own property.                      6VAC35-140-740 requires JCCs to have post orders for each security post detailing daily operations and to have staff permanently assigned to posts to read, sign, and date their shift assignments.                      6VAC35-140-750 requires each JCC to have a procedure for counting residents for each shift, tracking resident movement, and maintaining a daily count sheet.                      6VAC35-140-600 requires a control center, staffed 24 hours a day, in each secure facility.                      6VAC35-140-630 requires secure facilities to have a written plan for the control of the perimeter and for pedestrians/vehicles to enter/exit at designated points.                      6VAC35-140-640 requires secure facilities to have a procedure to govern actions taken after escapes/AWOLs.                      6VAC35-140-120 requires facilities to have procedures for the control, detection, and disposition on contraband.</p>	<p>removes procedural language.</p>
480	<p>Searches of residents: This section requires procedures to govern all searches in JCCs. It details specific required components of general</p>	<p>6VAC35-51-850 prohibits strip searches unless allowed by other regulations or by court order; requires</p>	<p>The proposed section clarifies the parameters and requirements for the searches of residents in a correctional setting.</p>

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	procedures and specific procedures for strip and body cavity searches.	procedures if pat down searches are conducted; and lists required components of pat down procedures. 6VAC35-140-590 requires procedures limiting searches to the minimum amount of touching necessary and restricting who may perform body cavity and strip searches.	
490	Communications systems: This section requires a telephone to be accessible to staff in sleeping and activity areas; a means of communicating between the living units and the control center; and the ability for the facility to communicate in emergencies.	6VAC35-51-590(B) requires a telephone accessible to staff. 6VAC35-140-610 requires secure facilities to have a means for communication (i) between the living areas and the control center; (ii) in emergency situations; and (iii) between the facility and the community.	The proposed section is consistent with the current regulatory provisions and department procedures.
500	Emergency telephone numbers: This section requires an emergency telephone number to be provided to the resident and the person responsible for the care of the resident when the resident is away from the facility and not under the supervision of direct care staff or law enforcement.	6VAC35-51-840 requires an emergency telephone number where staff may be reached at all times and for residents away from the facility to be provided with an emergency phone number.	The proposed section clarifies when an emergency number must be provided to the resident and responsible adults. It now requires a number to be provided to residents and the responsible party when a resident leaves the facility in the absence of staff or police and removes the existing requirement to maintain an emergency number to contact staff.
510	Weapons: This section prohibits firearms or other weapons on facility premises and during facility activities except as provided in procedures.	6VAC35-51-220 requires procedures for the possession of firearms that must restrict use except if in possession of security/law-enforcement, locked, or used by a resident with permission.	The proposed section defers to department procedures regarding weapons on the premises. Weapons are prohibited on the premises except when locked outside the secure perimeter and, at Beaumont and Hanover, when pre-approved for hunting. Due to the unique circumstances involving hunting on state

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			property, deference to procedure was adopted to accommodate the different facility issues, with the ability for exceptions to the general prohibition.
520	Equipment inventory: This section requires a procedure to govern the inventory and control of all security, maintenance, recreational, and medical equipment located in the facilities where residents may be present.	6VAC35-140-490 requires all secure facilities to (i) have procedures governing access to food and utensils and (ii) the inventory and control of certain equipment.	The proposed section is consistent with the current regulatory provisions and department procedures.
530	Power equipment: This section requires safety rules for the use and maintenance of power tools.	6VAC35-51-1010 requires safety rules for the maintenance of power equipment.	The proposed section is consistent with the current regulatory provisions and department procedures.
540	Transportation: This section requires each facility to have transportation available for routine and emergency transportation; written safety rules for the transportation of residents and the use and maintenance of vehicles; and a procedure for the verification of appropriate licensure status for staff who transport residents.	6VAC35-51-1010(A) and (B) require transportation of residents to be done in accordance with applicable laws and for each facility to have safety rules for transportation and, in subsection (C), for the maintenance of vehicles. 6VAC35-140-140 requires the facility to have transportation available for routine and emergency transportation. 6VAC35-140-540(E) requires secure facilities to follow procedures for the transportation of residents outside the facility.	The proposed section is consistent with the current regulatory provisions and department procedures.
550	Prohibited actions: This section lists 14 specific actions prohibited in the facilities with a broad statement that the Constitution must be followed.	6VAC35-51-880 lists 13 acts that are prohibited in all facilities. 6VAC35-140-50 requires procedures mandating nondiscrimination, equal programming, reasonable accommodation for residents with disabilities, and prohibiting cruel and	The proposed section clarifies the actions prohibited in JCCs; added nondiscrimination and use of pharmacological restraints to this section. It contains a broad statement reminder that the list is not exhaustive and any constitutionally prohibited actions are also prohibited.

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		unusual punishment.	
560	Residents' mail: This section details the specific circumstances and manner in which residents' mail may be delayed, reviewed, or withheld. It differentiates between legal and nonlegal mainly in its requirements. It also contains requirements regarding outgoing mail, access to postage, and mail received after a resident has left the facility.	6VAC35-140-75 details circumstances when mail may be read, censored, or rejected.	The proposed section contains some clarifying changes and is consistent with the current regulatory provisions and department procedures.
570	Telephone calls: This section requires telephone calls to be permitted in accordance with procedures that account for facilities' needs and resident behavior.	6VAC35-140-80 requires facilities to allow residents to have reasonable access to a telephone.	The proposed section is modified to account for the unique setting in a secure facility. The reasonable access language is changed to a requirement to be permitted use in accordance with procedures.
580	Visitation: This section requires residents to have reasonable access to visitation with immediate family members and legal guardians. It requires visitation procedures that account for facility needs, resident and visitor behaviors, and a focus on strong family and community relationships. It also requires the procedure to provide for the accommodation of special circumstances; requires the procedure to be sent to the parent by the end of the next business day after admission; and prohibits visitation at the homes of staff.	6VAC35-51-990 requires procedures for flexible visitation unless governed by other regulations. It also sets timeframes in which copies of the visitation procedure should be provided to the parents/guardians. 6VAC35-140-90 requires visitation consistent with procedures in a designated visiting area with the ability for residents and visitors to have physical contact. 6VAC35-51-1000 requires written permission of the resident's family prior to any visit at the homes of staff.	The proposed section clarifies the facilities' responsibilities relating to visitation at JCCs. It contains language that residents have a general right to visitation subject to reasonable limitations. From the current regulatory scheme, it changes the requirement to mail copies of the visitation procedure from 24 hours after admission to the end of the next business day after admission. It changes the language requiring flexible visiting hours to a requirement that accommodations be made for special circumstances. These proposed amendments reflect the unique circumstances occurring in JCCs, given their setting and population.
590	Contact with attorneys, courts, and law enforcement: This section requires facilities to allow residents to have uncensored, confidential	6VAC35-140-570 requires secure facilities to follow procedures for obtaining and documenting a resident's	The proposed section adopts the major substantive components of the current regulation. It also adds parts relating to contact with attorneys and courts (both

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	communications with their attorneys, subject to reasonable restrictions; prohibits denial of access to the courts; and requires procedures for when a resident consents to questioning by law enforcement that prohibits staff from coercing a resident's decision.	consent prior to questioning by the police. It also prohibits staff from playing "any role" in allowing contacts with police.	of which are constitutionally protected).
600	Personal necessities: This section requires the facility to provide the resident with four items of personal necessity at intake. The items must be clean and in good repair upon issuance and must be replenished as needed. It also requires linens to be changed or cleaned with bleach every seven days and blankets to be cleaned or changed as needed.	6VAC35-51-470 requires an adequate supply of personal necessities to be available to residents; washcloths and towels to be cleaned weekly; and incontinent residents to have special provisions. 6VAC35-51-480 requires, in part, clean mattresses, pillows, blankets, and linens; linens to be cleaned weekly. 6VAC35-51-960 requires provisions to be made for resident clothing; requires residents of group homes to have age and community appropriate clothing and to allow residents to participate in the selection of the clothes; and requires residents to be allowed to take personal clothing upon release/discharge.	The proposed section clarifies the cleaning and replacement provisions and incorporates several related parts of the current regulations into one section. It also alters the clothing section that residents in JCCs wear state-issued uniforms.
610	Showers: Requires residents to have the opportunity to shower daily unless approved by the regulatory authority or as deemed necessary to maintain security or order (if approved by the superintendent or a mental health provider).	6VAC35-140-300 requires facilities to give residents the opportunity to shower daily.	The proposed section adds a provision to allow showers to be restricted as necessary to maintain security of the facility or for the special management of maladaptive behavior. This provision provides some flexibility given the unique population in JCCs.
620	Residents' privacy: This	6VAC35-51-500 requires	The proposed section adds an

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	<p>section requires residents to have privacy from routine sight supervision by staff of the opposite sex when the resident is bathing, dressing, or conducting toilet activities. It allows an exception when constant supervision is needed due to a mental health condition.</p>	<p>provisions for privacy from routine sight supervision, video, and audio monitoring by permission of regulatory authority.</p>	<p>allowance for constant supervision if needed due to the resident's mental status. This provision is intended to address a quandary into which staff are currently placed regarding the necessary supervision of suicidal youth.</p>
630	<p>Nutrition: This section requires facilities to provide residents with three nutritionally balanced meals, two of which are hot, daily. It allows special diets or alternative dietary schedules when ordered by a doctor, when necessary due to the residents' religious practices, and if needed to maintain security order or manage maladaptive behaviors (if approved by the superintendent or a mental health provider).</p>	<p>6VAC35-51-820 requires each facility to provide a nutritious daily diet, keep menus, provide special diets if ordered or religiously mandated, prohibit staff from eating other food in front of residents, limit the time between meals, provide earlier meals if necessary, and obtain approval to extend time between meals on evenings and weekends.</p>	<p>The proposed section adds the ability of a mental health provider or superintendent to modify meal schedules or order a special diet (which still must meet nutritional requirements) as needed to maintain institutional security or if needed due to the exhibition of maladaptive behavior. Any such changes in the schedule or form must be approved and documented. The proposed section also allows an extension of time between the evening and morning meal if authorized by the superintendent (under the current scheme, this could be authorized by the department, which has never denied a request). It also requires two hot meals (instead of one required under the current regulatory scheme).</p>
640	<p>Reading materials: This section requires reading materials to be available to all residents.</p>	<p>6VAC35-140-500 requires reading materials to be available to all residents and for secure facilities to follow procedures governing youth access.</p>	<p>The proposed section removes the procedural language that is already contained in department procedures.</p>
650	<p>Religion: This section prohibits residents from being required or coerced to participate in or be unreasonably denied participation in religious activities and for residents to be informed of these</p>	<p>6VAC35-51-930 requires procedures for resident participation in religious activities to be available to residents and for no resident to be coerced to participate in religious activities.</p>	<p>The proposed section clarifies the role of the department when dealing with resident participation in religion, as constitutionally required.</p>

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	prohibitions.		
660	Recreation: This section requires each facility to have a recreational program plan with four required components. It also requires the plan to address how residents will be screened for participation and supervised while participating.	6VAC35-51-940 requires a written description of the facility's recreation program and lists five required components. It also requires safety and specific overnight recreational and out-of-state trip procedures. 6VAC35-140-530 requires secure facilities to (i) have indoor and outdoor recreation areas (see sections 420 [JCCs] and 440 [DCs]); (ii) provide an opportunity for large muscle exercise daily; (iii) document circumstances prohibiting outdoor recreation; and (iv) provide a variety of fixed and movable equipment for indoor and outdoor recreation periods.	The current regulations and department procedures require a recreation plan. The proposed section streamlines the current requirements (from two separate sections into one).
670	Residents' funds: This section requires residents' funds to be used only for three specific purposes.	6VAC35-51-970 requires JCCs and group homes to provide opportunities for residents to learn the value of money and to have procedures regarding allowances. It requires all facilities to have procedures for the management of residents' funds and for such funds to be used for the residents' benefit. 6VAC35-140-110 requires residents' funds to be used for their benefit, to pay court ordered fines/fees, or to pay restitution.	The proposed section streamlines the current regulatory provisions.
680	Admission and orientation: This section lists what facilities must do upon	6VAC35-140-60 requires procedures governing admission and orientation	The proposed section is consistent with the current regulatory provisions and

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	admission of a resident. It has procedural requirements and lists the items on which residents must be oriented.	to include verification of authority of placement, search of the resident, health screening, notice of admission, interview of the resident, explanation of the program, and assignment to a room. 6VAC35-140-65 requires an orientation to the facility covering the rules and sanctions and requiring assistance to any resident with literacy difficulties.	department procedures.
690	Residents' personal possessions: This section requires facilities to inventory the residents' personal possessions upon admission and take one of three actions with the possessions at that time (discard contraband, inventory and store, or return to parent/legal guardian). It allows the disposal of personal possessions if unclaimed for six months after a documented attempt to return the property.	6VAC35-140-480 requires secure facilities to inventory personal possessions upon admission and dispose of unclaimed property 90 days after a documented attempt to return the property.	The proposed section extends the time for retaining returned property to six months, which is consistent with department procedures.
700	Classification plan: This section requires facilities to use an objective classification plan to determine the appropriate security level, needs, and services for the residents and for assigning residents to housing units. It also requires the residents' placements to be reviewed as necessary in light of the facilities' and residents' needs.	6VAC35-140-440 requires use of a classification plan for the assignment of sleeping rooms and living units in secure facilities. It also requires placements by the department to provide for a systematic decrease in supervision and increase in resident responsibility. Board policy 19-002 requires the department to utilize an objective classification system to assess residents' appropriate security and	The proposed section adds language regarding the applicability and components of a classification plan, which allows the regulation to be consistent with board policy. It removes the language regarding a systematic decrease in supervision and increase in responsibility due to the limited resources of the JCCs' transitional programs.



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		custody levels, determine appropriate services and programs, assign residents to appropriate housing placements, and assess residents for placement in community transition programs and for special needs. It also requires periodic review of classifications and re-classifications as necessary.	
710	Resident transfer between and within JCCs: This section requires a resident's case record to accompany the resident upon transfer to another JCC and the resident's family to be notified within 24 hours of any such transfer. It also requires safeguards and notifications when a resident is transferred to a more restrictive unit, program, or facility.	6VAC35-51-730 requires documentation for intra-system transfers (unless by court order). Board policy 17-003 requires due process safeguards for residents transferred to a more restrictive unit, program, or facility while in direct care.	The proposed section adopts language for consistency with the board policy and department procedures.
720	Release: This section requires residents to be released in accordance with procedures and lists required components of the residents' case records, including a discharge summary and a court order if the resident was serving a determinate commitment. It also requires information concerning each resident's current medications and needed services to be provided to the resident's legal guardian and the date of discharge and person to who the resident was discharged to be documented in the case record.	6VAC35-51-730 requires facilities to have criteria for discharge; retain discharge summary or court order and documentation of discharge/court order; release only to authorized person; and information for continuing care to be provided to the authorized person. 6VAC35-140-180 requires releases to be in accordance with procedures	The proposed section contains clarifying amendments due to the distinct nature of determinate and indeterminate releases. It also removes procedural language and provisions that are not appropriate in secure facilities.
730	Operational procedures: This section requires operational	6VAC35-140-760 requires JCCs to maintain	The proposed section is consistent with the current

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	procedures to be accessible to all staff.	institutional operating procedures that are consistent with standard operating procedures.	regulatory provisions and department procedures.
740	Structured programming: This section requires each facility to have structured daily routines that are available to residents upon admission and appropriate to the residents' needs, provide appropriate supervision and services, and meet the requirements of residents' service plans.	6VAC35-51-710 requires an initial plan to be developed for all residents within three days of admission. 6VAC35-51-780(A) and (B) require a structured program of care and a daily routine. Subsection (F) requires the routine to account for appropriate sleep and rest; (G) requires the promotion of good hygiene; and (H) requires compliance with facility/local curfews.	The proposed section no longer requires a plan to be drafted within three days of admission. This requirement is replaced by the provision requiring residents to be able to participate in programming upon admission. Given the structured environment in JCCs, the requirement to develop a plan (which usually involves participating in the behavior management and educational programs) was evaluated as duplicative responsibilities for staff. Procedural language was also removed. The proposed section is consistent with department procedures.
750	Communication with court service unit staff: This section requires each facility to provide each resident's probation/parole officer with the information for a contact person at the facility and to invite that individual to participate in scheduled meetings.	6VAC35-140-720 requires RDC to notify the probation/parole officer of the scheduled staffing and JCCs to notify the probation/parole officer of treatment team meetings.	The proposed section is consistent with the current regulatory provisions and department procedures.
760	Communication with parents: This section requires each facility to provide each resident's parent or legal guardian with the information for a contact person at the facility and, if requested, to provide the parent or legal guardian with the opportunity to participate in scheduled meetings.	None.	This section was added in response to NOIRA public comments. It is consistent with current practice in JCCs.
770	Case management services: This section requires facilities to provide and document the provision of case	6VAC35-51-760 requires each facility (post-disposition only in detention centers) to	The proposed section streamlines the language detailing the required case management services.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	management services that address the residents' adjustment, supportive counseling, transitional issues, and communications with staff, parents/legal guardians, the CSU, and community resources, as appropriate.	provide case management services. It enumerates issues to be addressed and requires documentation.	
780	Daily log: This section requires a daily log to be maintained to inform staff of issues experienced by the residents. It requires the log entries to have the date, time, and the name of the person writing the entry.	6VAC35-51-780(C), (D), and (E) require a daily communication log documenting significant happenings (including health complaints) and the identification of the author and time. 6VAC35-140-170 requires electronic log books to have protections to prevent entries from being overwritten.	The proposed section removes language security on any computers used for the daily log as the department's electronic records are under a separate regulatory chapter (6VAC35-160). The remaining proposed requirements are consistent with the current regulatory provisions and department procedures.
790	Individual service plans: This section requires service plans to be developed within 30 days of admission (with an exception for RDC). It lists required components of the service plan, who must participate in the development, and who must be invited to participate in its development. It also requires the service plan to be reviewed quarterly and updated annually and copies of the original and any changes to be provided to certain individuals.	6VAC35-51-720(A), (B), and (C) require an individual service plan (ISP) to be developed within 30 days of admission and list required components. They also require progress to be documented and the ISP to be reviewed every 90 days. Subsection (F) requires the ISP to be signed and dated; (G) requires staff to be able to describe the ISP; (H) details who should be involved in the ISP development and updating; and (I) addresses who receives a copy.	The proposed section separates the requirements of service plans from quarterly reports and modifies the required participants to require invitations, as facilities do not have control over whether outside individuals choose to participate.
800	Quarterly reports: This section requires the residents' progress in five specific areas to be reviewed quarterly. It	6VAC35-51-720(D) requires the residents' progress to be reviewed every 90 days.	The proposed section modifies some procedural language from the regulation, which will streamline the review process.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	also specifies with whom the review should be discussed and to whom copies should be provided.	Subsections (D) and (E) deal with components of the review; (F) requires it to be signed and dated; (H) details who should be involved; and (I) lists to whom copies should be provided.	
810	Behavioral health services: This section requires all persons performing behavioral health services to be a licensed professional or to be working under the supervision of a licensed clinician.	6VAC35-51-770 requires therapy to be provided by a licensed professional or someone supervised by a licensed professional (unless exempted).	The proposed section is consistent with the statutory requirements, as JCCs are exempted, and with the current practice in the behavioral services unit.
820	Staff supervision of residents: This section requires staff supervision to be 24/7; staff not to work more than six consecutive days or 16 consecutive hours; and staff to be scheduled with an average of two rest days per week. It requires one trained direct care staff actively supervising residents; requires procedures for contingency staffing planning and to govern the movement of residents; and prohibits residents from controlling other residents.	6VAC35-51-830 prohibits direct care staff from working more than six consecutive days or more than 16 hours in a row; requires an average of two rest days per week every four weeks. Subsection (D) requires one trained direct care staff and a staff certified in CPR/first-aid to be present when residents are present. Subsection (F) does not apply. 6VAC35-140-540(A) requires 24-hour, awake supervision. Subsection (B) sets requirements for supervision by a staff of opposite sex from the resident. 6VAC35-140-540(G) prohibits residents from controlling other residents unless part of an approved program.	The proposed section contains some variations from the current regulatory scheme, which include the definition of rest day (changed from not being responsible for "duties related to the facility" to "duties related to the operation of the facility") and to be scheduled with an average of two rest days per week rather than having an actual two rest days per week. Certain aspects of staffing are governed by the federal Fair Labor Standards Act (regarding payment, etc.), thus the additional provisions were removed from this section in order to accommodate staffing necessities in the larger facilities.
830	Staffing pattern: This section requires a 1:10 staff-to-resident ratio during the day and a 1:16 ratio during hours residents are scheduled to	6VAC35-140-545 requires a 1:10 awake and 1:16 asleep staff-to-resident ratio. It requires one staff per floor and in	The proposed section is consistent with the current regulatory provisions and department procedures.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	sleep. It also requires one staff to be on duty in every building or living unit where residents are sleeping.	each building.	
840	Outside personnel: This section requires staff to monitor any situation where outside personnel work in the presence of residents and prohibits adult inmates from having direct contact or interactions with residents.	6VAC35-140-540(F) prohibits service personnel from working in secure facilities where they may have contact with residents (unless supervised). This provision was retained. 6VAC35-140-290 requires facilities to monitor outside personnel performing work in the presence of residents and the separation of adult inmates from residents.	The proposed section is consistent with the current regulatory provisions and department procedures.
850	Facility work assignments: This section requires work assignments to be appropriate to the age, health, ability, and service plan of residents and prohibits work assignments from interfering with school, meals, or sleep.	6VAC35-51-980 sets requirements for the assignment of chores and for work assignments outside the facility, including evaluating the fairness of pay.	The proposed section removes the requirement for superintendents to evaluate the fairness of pay. Juvenile industries and the juvenile work release programs are not under the primary control of the superintendent and are governed by state and federal labor laws.
860	Agreements governing juvenile industries work programs: This section contains the requirements for any agreements with public and private partners participating in work release programs.	Section 66-25.1 of the Code of Virginia requires regulations to govern juvenile industries work programs. 6VAC35-140-800 lists requirements for agreements (with public/private entities and addressing roles and responsibilities) governing juvenile work industry programs.	The proposed section is consistent with the current regulatory provisions and department procedures.
870	Health care services definitions: Defines "health care record," "health care services," and "health trained personnel."	6VAC35-51-10 and 6VAC35-140-10 define applicable health care terms.	The proposed section is consistent with the current regulatory provisions, with some modifications to conform to other health care laws and regulations, and department procedures.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
880	Local health authority: This section requires the facilities to designate a local health authority who organizes, plans, and monitors health care services.	6VAC35-140-460 requires secure facilities to designate a health authority.	The proposed section is consistent with the current regulatory provisions and department procedures.
890	Provision of health care services: This section requires health care providers to be governed by the recommendations of the American Academy of Family Practice or the American Academy of Pediatrics and requires nursing staff to follow applicable laws and other health trained staff to provide care within their training and certification.	6VAC35-140-192 requires nurses to perform treatment pursuant to verbal or written orders.	The proposed section is consistent with the current regulatory provisions and department procedures.
900	Health care procedures: This section requires procedures in five areas relating to the provision of routine and emergency services. It also requires certain information on each resident to be readily available in case of an emergency.	6VAC35-51-790 requires certain health care procedures for routine and emergency services.	The proposed section is consistent with the current regulatory provisions and department procedures.
910	Health care training of direct care staff: This section requires direct care staff to be trained in five basic health care areas.	Former board policy 12-001.21 required direct care staff to be trained in certain health procedures.	The proposed section is consistent with current board policy and department procedures.
920	Health trained personnel: This section requires health trained personnel to provide care appropriate to their level of training and for the facility to maintain documentation of such trainings or certifications.	This requirement was previously included in the definition of "health trained staff person."	The proposed section is consistent with the current regulatory provisions and department procedures.
930	Consent to and refusal of health care services: This section requires, if applicable, for parents to be advised of the material facts relating to any proposed health care	Section 54.1-2969(I) of the Code of Virginia gives the director the authority to consent to surgical/medical treatment with required	The proposed section now cross-references the applicable statute and is consistent with the current regulatory provisions and department procedures.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	<p>procedures and for all procedures to be provided in accordance with § 54.1-2969 of the Code of Virginia. It also includes a provision that the resident may refuse care and care may be rendered against a resident's will in accordance with applicable laws.</p>	<p>"reasonable effort to notify the minor's parent or guardian of such action as soon as practicable."                      6VAC35-140-210 requires facilities to have procedures to (i) obtain consent as required by law; (ii) allow resident to refuse treatment; and (iii) to provide care against a resident's will consistent with applicable laws.                      Board policy 12-005 states a resident may refuse health care in accordance with applicable laws.</p>	
940	<p>Health screening at admission: This section requires residents to be screened at admission and kept separate from the general population if the screening reveals residents pose a health risk to themselves or others. If a resident is a risk, the section requires immediate health care services to be provided.</p>	<p>6VAC35-140-190 requires facilities to perform a preliminary health screening on residents before being admitted to the general population; to separate residents who pose a risk; and to provide necessary health care immediately.</p>	<p>The proposed section clarifies that residents deemed to be presenting a risk are kept separate from the general population only until such time as they are no longer considered a risk.</p>
950	<p>Tuberculosis screening: This section requires TB screening within seven days of placement and the screening to be in accordance with the recommendations of the Division of TB Control at VDH.</p>	<p>6VAC35-51-800(B) and (C) require TB screening at admission and annually.</p>	<p>The proposed section is modified in order (1) allow the admission of residents with TB (since court ordered) but to keep such residents separate from the general population and (2) to allow flexibility in practice in order to be in conformity with the recommendations and requirements of the Division of TB Control at VDH.</p>
960	<p>Medical examinations: This section requires a medical examination to be performed in the first seven days after admission and lists certain required components of the examination. It provides an</p>	<p>6VAC35-51-800(A) requires an entrance physical examination. The proposed regulation retains this requirement. Subsection (G) requires documentation on annual</p>	<p>The proposed section is consistent with the current regulatory provisions and department procedures.</p>

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	exception for intrasystem transfers and mandates annual physicals.	dental exams (except for respite, shelter care, and detention centers). 6VAC35-140-450 requires a physical examination within five days of admission and states the detention centers are not financially responsible for the treatment of preexisting conditions.	
970	Dental examinations: This section requires a dental examination within seven days of admission and annually thereafter.	Board policy 12-003 requires dental examinations upon admission to JCCs.	This section is consistent with the board policy and department procedures.
980	Immunizations: This section requires residents' immunizations to be updated in accordance with applicable guidelines and laws.	Board policy 12-003 requires a resident's immunizations to be updated, except when the resident qualifies for an exemption under state law.	This section is consistent with the board policy and department procedures.
990	Health screening for intrasystem transfers: This section requires residents transferred between JCCs to be screened upon admission and lists required components of the screening.	Board policy requires a health screening for intrasystem transfers.	This section is consistent with the board policy and department procedures.
1000	Infectious or communicable diseases: This section requires residents with known communicable diseases to be housed separate from the general population unless a physician certifies otherwise. This section requires procedures for staff actions and training regarding communicable diseases and requires all medical staff to be trained in TB control practices.	6VAC35-51-800(F) prohibits admission of a resident with a communicable disease. 6VAC35-140-200 requires staff to be trained in universal precautions and on how to manage residents with communicable diseases.	The proposed section modifies the existing regulatory requirements to allow admission (since such admission is court ordered) but to keep such residents separate from the general population.
1010	Suicide prevention: This section requires a suicide intervention plan and staff to	6VAC35-140-250 requires all facilities to implement a suicide	The proposed section is consistent with the current regulatory provisions and



Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	be trained in the suicide prevention program.	prevention and intervention program.	department procedures.
1020	Residents' health records: This section requires residents' health records to be maintained and lists certain required contents. It also requires the health records to be kept confidential, accessible in case of emergencies, available to authorized staff as allowed by law, and all records to be retained in accordance with the requirements of the Library of Virginia.	6VAC35-51-800(D) and (E) list contents of the health records. Subsection (H) requires notation of medical complaints and a summary of symptoms and treatment. 6VAC35-140-220 requires health records to be kept confidentially, accessible in case of emergency, and available to authorized staff. It also requires the records to be retained in accordance with Library of Virginia requirements.	The proposed section includes requirements to maintain dental records, to keep health records separate from the case records, and for inactive records to be kept in accordance with the Library of Virginia's requirements.
1030	First-aid kits: This section requires each facility to have first-aid kits maintained in accordance with written procedures governing content, location, and method of restocking. It also requires the first-aid kits be accessible for use in emergencies.	6VAC35-51-800(K) requires a well-stocked first-aid kit.	The proposed section adds a requirement for procedures to address contents, location, and restocking.
1040	Sick call: This section requires residents to have the opportunity to request health care services, which are documented, and to be responded to daily. It also requires the frequency and duration of the sick call to be sufficient to meet the health care needs of each facility's population.	Board policy 12-004 requires sick call in JCCs.	The proposed section is consistent with board policy and department procedures.
1050	Emergency medical services: This section requires facilities to have access to 24/7 emergency health care services and lists six required components of the emergency procedures. It also requires staff who respond to health	Board policy 12-007 requires emergency health care services at JCCs.	The proposed section is consistent with board policy and department procedures.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	care emergencies to respond in accordance with written procedures.		
1060	Hospitalization and other outside medical treatment of residents: This section requires residents who receive out-of-facility treatment to be transported safely, accompanied by staff (unless being transported for involuntary inpatient psychiatric treatment). It also requires the parents or legal guardians to be notified of the treatment as soon as practicable.	6VAC35-140-230 requires residents needing health care services outside the facility to be transported safely and to be accompanied by appropriate persons. It also requires the parents/guardians to be notified of treatment outside the facility as soon as practicable.	The proposed section clarifies who may accompany residents for medical treatment outside the facility and when notification must occur.
1070	Medication: This section contains complex procedures regarding the maintenance of and administration of medication and protocol when medication is refused. It requires proper labeling and storage; staff who administer medication to be trained and annually retrained and informed of any known side effects of the medication; procedures for over-the-counter medication; all medication to be administered in accordance with physicians' orders; medication administration records, with specific required components, to be maintained; medication incidents (formerly referred to as medication errors) to be addressed, treated, and documented; medication refusals to be documented; unused medications to be legally disposed; the telephone numbers for poison control to be near each nonpay telephone; and syringes and other medical	6VAC35-51-810 details extensive procedures regarding medications.	The proposed section adds an allowance for medication to be on the person of the resident if ordered by the physician (i.e.; inhalers) and requires the notation of administration and refusals. The provisions are consistent with the current regulatory provisions and department procedures.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	implements to be locked and inventoried.		
1080	Release physical: This section requires physical examinations to be administered within 30 days of release from JCCs.	Board policy 12-003 requires a physical within 30 days of release.	The proposed section is consistent with the board policy and department procedures.
1090	Behavior management: This section requires each JCC to implement a behavior management program and lists five required components of the program's governing procedures. It also requires any substantive revisions to the program to be provided to the residents and staff prior to implementation.	6VAC35-51-900(A), (B), and (C) require procedures on (i) the rules of conduct, (ii) the behavior management techniques, and (iii) training, orientation, and dissemination of information on the behavior management program. Subsections (K) and (L) require the procedures to be reviewed annually and for staff trained in the behavior management program to be present any time residents are present.	The proposed section maintains the major substantive components of the current regulatory provisions. It adds a requirement that the program be approved by the director or designee, in place of an administrative review of appropriateness, and deletes the provision regarding dissemination to parents or legal guardians.
1100	Behavior support contract: This section requires each facility to develop a behavior support contract when a resident needs supports in addition to those provided in the behavior management program. It also requires the contract to be provided to staff before they work with the resident.	6VAC35-51-860 requires a behavior support plan to be prepared within 30 days of admission for every resident with details of the required components of the plan and individuals to be involved in the development. It also requires staff to be knowledgeable of the plan and excludes detention centers and RDC.	The proposed section modifies the current regulatory provision that requires each resident to have a behavior support plan. The board has previously issued a variance to this provision allowing each facility's comprehensive behavior management program to serve as the "plan" for all residents with additional supports and contracts to be provided on an as-needed basis. The proposed provision is modeled on the board variance.
1110	Disciplinary process: This section requires JCCs to follow procedures for handling rule violations by residents. It lists specific requirements of the procedure including staff and resident orientation and training on the	6VAC35-140-550 requires detention centers to have guidelines for resolving minor behavior issues and all secure facilities to follow procedures for rule violations. This section	The proposed section maintains the major substantive components of the current provision but is modified to conform with best practices for JCCs. It is consistent with department procedures.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	<p>procedures and specific due process requirements (notice, ability to admit or deny, a disciplinary hearing, assistance if needed or requested, notice of the disposition, the right to appeal, the appeal process, administrative review, and required timeframes for each step in the process.</p>	<p>requires specific due process protections and protocols for handling rule violations.</p>	
1120	<p>Timeout: This section requires facilities that use timeouts to follow procedures governing when, how, where, and for how long timeouts are utilized. It also requires residents in timeout to be able to communicate with staff, staff to check on residents in timeout every 15 minutes, and documentation of any use.</p>	<p>6VAC35-51-870 requires certain procedures if a facility uses timeouts.</p>	<p>The proposed section is consistent with the current regulatory provisions and department procedures.</p>
1130	<p>Physical restraint: This section details when and how physical restraint may be used (as a last resort, when other interventions have failed, and necessary to control a risk to the safety of the resident, others, or the public). It requires specific procedures governing restraint to include training, documentation, review, and a focus on de-escalation.</p>	<p>6VAC35-51-900(D) through (J) require procedures governing the use of physical restraint, place restrictions on when and who may use restraints, and require documentation each time a resident is restrained.</p>	<p>The proposed section contains the major substantive components from the existing regulation and adds a requirement for training in crisis prevention and intervention techniques, the specific purpose for the review of the report (subdivision B(3)), and a requirement to identify the control techniques that are appropriate to identified levels of risk.</p>
1140	<p>Room confinement: This section requires facilities to follow procedures on when and how residents may be confined to a locked room. It requires any such resident (i) to be visually observed every 30 minutes (or more frequently if needed); (ii) to have the opportunity for one hour of out-of-room exercise (unless circumstances justify</p>	<p>6VAC35-51-910 prohibits seclusion unless allowed by other regulations. 6VAC35-140-560 requires secure facilities to have procedures regarding when a resident may be confined to a room. It requires (i) 30-minute checks in all circumstances and 15-</p>	<p>The proposed section was modified from the current regulatory scheme to account for the population in JCCs. An exception to the hour of out-of-room exercise was added to account for maladaptive behavior, but any such exceptions must be documented. It also requires notice of confinement greater than 72 hours to a superintendent's</p>

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	<p>otherwise); and (iii) have a means to communicate with staff. It also requires the superintendent to be notified if the resident is in the room for longer than 24 hours and someone in a position higher than the superintendent to be notified if it extends past 72 hours. The superintendent must make personal contact with confined residents daily; and, if residents exhibit self-injurious behaviors, the staff shall consult a mental health professional and monitor according to procedures.</p>	<p>minute checks when residents are on suicide watch; (ii) confined residents to have the opportunity for one hour of exercise every 24 hours; (iii) the superintendent to be notified when residents are confined more than 24 hours and the regulatory authority when it exceeds 72 hours; and (iv) the director or designee to make personal contact with residents each day of confinement.</p>	<p>supervisor (rather than to the regulatory agency or authority). It includes language regarding staff actions when confined residents exhibit self-injurious behaviors.</p>
1150	<p>Isolation: This section prohibits confinement as a sanction to exceed five days and such residents from participating in activities with other residents with the exception of the six listed activities. It requires residents in isolation to be housed only one person to a room.</p>	<p>6VAC35-140-730(A) requires JCCs' residents in isolation to be in single person rooms. 6VAC35-140-560(E) prohibits isolation from exceeding five days.</p>	<p>The proposed section is consistent with the current regulatory provisions and department procedures and adds the list of activities that may not be restricted.</p>
1160	<p>Administrative segregation: This section requires residents in administrative segregation (i) to be housed in single or double rooms, with single rooms reserved for special needs groups as necessary; and (ii) to be afforded the same basic living conditions as the general population.</p>	<p>6VAC35-140-730(B) requires JCCs' residents in segregation to be no more than two to a room. 6VAC35-140-730(C) requires JCCs' residents with severe medical difficulties or SMI, who are sexual predators, or who are likely to be exploited to be in single rooms when indicated. 6VAC35-140-560(G) requires the same basic living conditions and programming to be available to residents in administrative confinement as in the general population.</p>	<p>The proposed section is consistent with the current regulatory provisions and department procedures.</p>

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
1170	Chemical agents: This section prohibits the use of chemical agents by staff in facilities.	6VAC35-140-660 allows use of pepper spray with board approval in certain circumstances. Board policy 18-005 (effective 11/12/008) prohibits staff from using chemical agents in facilities regulated by the board.	The proposed section adopts the board policy language.
1180	Mechanical restraints: This section requires procedures governing the use of mechanical restraints to have six required components, including when, why, and how restraints shall be used. It also requires documentation of any use.	6VAC35-51-890 prohibits use of mechanical restraints unless allowed by other regulation and of any use of pharmacological restraints. 6VAC35-140-670 allows the use of mechanical restraints in secure facilities. It requires a procedure, notification, and documentation. It also prohibits such use for punishment or for residents to be attached to fixed objects with mechanical restraints. 6VAC35-140-680 requires staff to be trained in the use of mechanical restraints prior to applying them and specifies some training requirements.	The proposed section is consistent with the current regulatory provisions and department procedures.
1190	Monitoring residents placed in mechanical restraints: This section requires residents in restraints to be visually checked every 15 minutes (and more often if warranted) and for staff to provide basic comforts to such residents. It also requires a mental health consultation for residents in restraints for more than two hours in a 24-hour period and if residents exhibit self-injurious behaviors.	6VAC35-140-690 requires secure facilities to follow procedures for ensuring residents' comfort, making personal checks every 15 minutes, and constantly supervising SIB cases when residents are in restraints. 6VAC35-140-700 requires secure facilities to consult with a mental health professional when	The proposed section is consistent with the current regulatory provisions and department procedures and provides clarifying language for when residents in restraints exhibit self-injurious behaviors. .

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
		residents have been restrained for more than two hours cumulative in a 24-hour period and if mental health problems are indicated.	
1200	Restraints for medical and mental health purposes: This section requires a procedure to govern the use of restraints for medical and mental health purposes.	6VAC35-140-685 requires secure facilities to follow certain required procedures for the restraint of residents for medical and mental health purposes.	The proposed section is consistent with the current regulatory provisions and department procedures.
1210	Private contracts for JCCs: This section requires privately operated JCCs to abide by the Juvenile Corrections Private Management Act, this regulation, and all applicable procedures.	The Juvenile Corrections Private Management Act (§ 66-25.3 et seq. of the Code of Virginia) requires the Board to promulgate regulations for certain aspects of facilities' operations. 6VAC35-140-780 (2) requires privately operated JCCs to follow the department's case management procedures and practices.	The proposed section clarifies the responsibilities of privately operated JCCs.
1220	Privately operated JCCs: This section requires privately operated JCCs to house only properly transferred, committed residents.	6VAC35-140-780(1) requires privately operated JCCs to house only properly transferred, committed youth.	The proposed section is consistent with the current regulatory provisions.
1230	Definition of boot camp: This section defines boot camps.	6VAC35-140-10 defines boot camps.	The proposed section is consistent with the current regulatory provisions.
1240	Staff physical and psychological qualifications: This section requires boot camps to have position qualifications account for physical fitness levels and any psychological assessments or evaluations.	6VAC35-140-390 requires staff position qualifications to include physical fitness and a psychological evaluation/assessment prior to employment.	The proposed section is consistent with the current regulatory provisions.
1250	Residents' physical qualifications: This section requires boot camp procedures to account for admission and discharge	6VAC35-140-400 requires procedures governing admission and discharge relative to a resident's physical	The proposed section is consistent with the current regulatory provisions.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
	physical qualifications of residents.	condition and abilities.	
1260	Residents' nonparticipation: This section requires boot camps to have procedures for addressing residents' nonparticipation.	6VAC35-140-410 requires procedures for dealing with residents' noncompliance with boot camp program requirements.	The proposed section is consistent with the current regulatory provisions.
1270	Program description: This section requires boot camps to have a written program description with four required components.	6VAC35-140-420 requires boot camps to have a written program description detailing program components, duration, unit processes, and incentives and sanctions.	The proposed section is consistent with the current regulatory provisions.

**Completely deleted sections of existing regulations:**

- 6VAC35-51-20. Interdepartmental cooperation.
- 6VAC35-51-30. Applications. (Addresses applications to become a children's residential facility.)
- 6VAC35-51-40. Investigation. (Mandates DJJ to inspect and investigate children's residential facilities.)
- 6VAC35-51-50. Review of facilities. (Requires DJJ to review facilities during the period of certification to monitor compliance with the regulation and notify localities of any health/safety violations.)
- 6VAC35-51-60. Posting of information. (Requires DJJ to post information on its website.)
- 6VAC35-51-70. General requirements. (Lists requirements of providers regarding certification and some restrictions on issuing certificates.)
- 6VAC35-51-80. Written corrective action plans. (Requires plans to be submitted for each provision on which a facility is found non-complaint.)
- 6VAC35-51-90. Licenses/certificates. (Details terms of certification that may be issued by the board.)
- 6VAC35-51-100. Application fees. (Lists fees for initial application and renewal.)
- 6VAC35-51-110. Modification. (Addresses when and how certification may be modified; also states that a facility may not implement any contemplated change prior to approval of the regulatory authority.)
- 6VAC35-51-120. Denial. (Lists circumstances when an application for licensure may be denied.)
- 6VAC35-51-130. Revocation. (Lists when a certificate may be revoked.)
- 6VAC35-51-140. Summary suspension. (Details the procedure for the summary suspension of a facility's licensure.)
- 6VAC35-51-160. Investigation of complaints and allegations. (Requires the department to investigate complaints against a facility it regulates.)
- 6VAC35-51-190. Fiscal accountability. (Requires certain facilities to prepare end of the year financial documents, to have a bookkeeping system, and to have procedures for the handling of facility funds.)
- 6VAC35-51-200. Insurance. (Requires facilities to have liability insurance and provide documentation of vehicle insurance if they transport residents.)
- 6VAC35-51-260. Physical or mental health of personnel. (Allows a facility to require an employee to undergo an examination if a resident's safety is at risk and, if a condition is indicated, to remove the employee from contact with residents.)
- 6VAC35-51-270. Qualifications. (Requires position qualifications to be established and DHRM to serve as the default qualifications absent one set by the provider.)
- 6VAC35-51-280. Job descriptions. (Requires job descriptions for each position.)



6VAC35-51-290. Written policies and personnel procedures. (Requires each facility to have provider-approved personnel policies accessible to staff. It further requires the facilities to implement procedures to ensure employees are qualified for the positions.)

6VAC35-51-300. Personnel records. (Requires updated personnel records, including separate health records.)

6VAC35-51-320. Staff supervision. (Requires procedures regarding the supervision of staff including type, frequency, and documentation.)

6VAC35-51-330. Applicant. (Lists requirements applicant must meet prior to consideration for initial licensure.)

6VAC35-51-340. Chief administrative officer. (Lists the responsibilities and qualifications of a CAO.)

6VAC35-51-350. Program director. (Lists the responsibilities and qualifications of a program director.)

6VAC35-51-360. Case manager. (Lists the responsibilities and qualifications of a case manager.)

6VAC35-51-370. Child care supervisor. (Lists the responsibilities and qualifications of a child care supervisor.)

6VAC35-51-380. Child care staff. (Lists the responsibilities and qualifications of a child care staff.)

6VAC35-51-390. Relief staff. (Allows qualified relief staff to be used as needed to meet programming needs.)

6VAC35-51-410. Support functions. (States direct care staff may perform other duties only if they do not interfere with supervisory responsibilities. It also prohibits residents from being solely responsible for support functions.)

6VAC35-51-650. Interstate Compact on the Placement of Children. (Details requirements when discharging a resident to a residence in another state.)

6VAC35-51-920. Education. (Requires residents to be enrolled in school within five days of admission and for providers to provide certain services related thereto; it also requires study time.)

#### 6VAC35-51 FORMS

6VAC35-140-20. Other applicable standards. (Indicates these regulations coexist with the Interdepartmental regulations.)

6VAC35-140-22. National accreditation is deemed compliance with these standards. (Allows accreditation by ACA to show compliance with this chapter.)

6VAC35-140-23. Outcome-based and performance-based standards authorized. (Allows an exemption from a regulatory provision for the implementation of a performance-based alternative standard.)

6VAC35-140-24. Regulation establishes policy. (States the authority of the board to promulgate regulations.)

6VAC35-140-30. Applicability. (States applicability of the regulatory provisions.)

6VAC35-140-40. Previous regulations terminated. (States impact of regulation on other provisions).

6VAC35-140-45. General requirement. (Requires facilities to comply with applicable laws and regulations.)

6VAC35-140-150. Nonresidential programs and services. (Requires nonresidential services offered by juvenile facilities to comply with applicable laws and regulations.)

6VAC35-140-160. Insurance. (Requires liability insurance for employees, volunteers, and the premises.)

6VAC35-140-270. Physical examination. (Requires pre-employment physicals when a position requires a particular set of physical abilities.)

6VAC35-140-295. Political activity. (Requires facilities to have procedures governing political activity [campaigning, lobbying, etc.] at the facility.)

#### Article 6.1 – Standards for Halfway Houses

6VAC35-140-385. Administration and organization. (Requires halfway houses to have a mission with programs and services appropriate to its mission.)

6VAC35-140-386. Review of collective service needs. (Requires halfway houses to, at least once every three years, review the service needs of residents.)

6VAC35-140-387. Program to reinforce positive behavior. (Requires halfway houses to implement a program to reward positive behaviors.)

6VAC35-140-388. Organizational communications. (Requires halfway houses to comply with procedures for reporting serious incidents, population data, employee vacancies, etc.)

6VAC35-140-389. Financial practices. (Requires halfway houses to comply with procedures regarding procurement, etc.)

6VAC35-140-712. Performance review. (Requires JCCs to review an employee's performance annually.)

6VAC35-140-770. Transfer file. (Requires JCCs to have a separate transfer file.)

6VAC35-140-790. Junior ROTC program. (Requires JROTC to have a description of criteria for entrance and retention, termination, and how discipline and sanctions will be applied.)