Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Secure Residential Treatment Facilities.

28-4-333. Administration.

(a) Organization.

(1) Each secure residential treatment facility shall be governed by one of the following entities:

(A) A public agency, who shall employ an administrator for the secure residential treatment facility; or

(B) a private entity with a governing board that is legally responsible for the operation, policies, finances, and general management of the secure residential treatment facility. The private entity shall employ an administrator for the secure residential treatment facility. The administrator shall not be a voting member of the governing board.

(2) If the licensee is a private corporation, it shall be a corporation qualified in the state of Kansas and shall operate in accordance with established by-laws. The licensee shall furnish a copy of the articles of incorporation and by-laws to the department before a license is issued. One of these documents shall include a nondiscrimination statement that complies with state and federal civil rights laws.

(b) Administrative policies.

(1) A copy of these regulations for secure residential treatment facilities for youth shall be kept on the premises at all times and shall be made available to all staff members.

(2) Each licensee shall develop and implement a quality assurance program to ensure consistent compliance with these regulations. The quality assurance program shall provide for review of the facility's policies, procedures and practices, including their consistency with licensure requirements.

(3) Each licensee shall establish written plans and policies of organization and administration clearly defining legal responsibility, administrative authority, and responsibility for comprehensive services, including an organizational chart approved by the licensee.

(4) Personnel and administrative policies shall be distributed to staff members.

(c) Finances.

(1) Funding.

(A) Each secure residential treatment facility shall have sound and sufficient finances to ensure effective services. The licensee shall be responsible for financing plans. The licensee shall provide the financial resources necessary to maintain compliance with the regulations.

(B) If the licensee is a charitable organization, all solicitation of funds conducted in Kansas shall be in compliance with K.S.A. 17-1759 et seq., and amendments thereto.

(C) Youth shall not be used in any fund-raising efforts.

(2) Financial records.

(A) Each secure residential treatment facility shall maintain financial records that are sufficient to verify resources and expenditures. Each secure residential treatment facility shall account for major expenditures on behalf of the youth for whom payment is received.

(B) Each youth's personal money shall be kept separate from the facility funds. Each secure residential treatment facility shall maintain financial records of each youth's personal money.

(C) A yearly audit by an independent accountant shall be conducted, and a copy of the audit shall be available at the secure residential treatment facility for review by the staff of the Kansas department of social and rehabilitation services, the juvenile justice authority, and the department.

(D) Each secure residential treatment facility shall have an annual financial statement verifying assets and liabilities. The licensee shall make the annual financial statement available to the Kansas department of social and rehabilitation services, the juvenile justice authority, and the department.

(3) Insurance.

(A) Each secure residential treatment facility shall maintain the following insurance:

(i) Professional and civil liability insurance for all employees; and

(ii) liability insurance for injury or personal property damage.

(B) Each licensee shall purchase one or more motor vehicle liability insurance policies covering each vehicle owned or operated by the facility. Each policy shall contain the following limits of liability, exclusive of interest and costs:

(i) Not less than $100,000 for personal injury or death in any one accident;

(ii) not less than $300,000 for personal injury to, or the death of, two or more persons in any one accident; and

(iii) not less than $50,000 for harm to, or destruction of, property of others in any one accident.

(d) Personnel policies.

(1) Each secure residential treatment facility shall have written personnel policies, which shall be approved and reviewed annually by the governing body. The personnel policies shall be provided to each staff member upon employment. The personnel policies shall include the following:

(A) Hiring practices;

(B) job descriptions, including qualifications, duties, and responsibilities for each staff position;

(C) policies regarding hours of work;

(D) sick and vacation leave policies;

(E) grievance procedures; and

(F) a description of salaries, benefits, and staff development practices.

(2) A personnel record shall be maintained for each employee and shall be made available to the employee upon written request.

(e) Staffing.

(1) The governing body of each secure residential treatment facility shall designate an administrator whose responsibility is the overall administration of the facility.

(2) A written daily staff schedule shall be developed and followed. The staff schedule shall meet all of the following requirements:

(A) The schedule shall provide for adequate staff on the living unit to directly supervise and interact with the youth at all times, to implement each youth's individual plan for care, and to provide for each youth's physical, social, emotional, and educational needs.

(B) The schedule shall provide for a minimum ratio of one youth care staff member on active duty to seven youth during waking hours and one youth care staff member on active duty to 10 youth during sleeping hours.

(C) At least one youth care staff member of the same sex as the youth shall be present, awake, and available to the youth at all times. If both male and female youth are present in the secure residential treatment facility, at least one male and one female youth care staff member shall be present, awake, and available.

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

(4) Youth shall not be left in a room unattended except that, during sleeping hours, the minimum ratio of youth care staff shall be immediately available in a connecting area to the sleeping rooms. Supervision of youth in involuntary seclusion shall comply with K.A.R. 28-4-338(c).

(5) Alternate qualified youth care staff members shall be provided for the relief of the regular staff members on a one-to-one basis and in compliance with the staffing pattern required in paragraph (e)(2) of this regulation.

(6) Electronic supervision shall not replace the youth care staffing requirements.

(7) Auxiliary staff members shall be available as needed. The auxiliary staff shall include food service, clerical, and maintenance personnel. Auxiliary staff members shall not be included in meeting the minimum ratio of youth care staff to youth.

(8) Professional consultant services shall be available, to the extent necessary, to meet the needs of the youth served. Professional consultants shall include physicians, dentists, nurses, clergy, social workers, psychologists, psychiatrists, teachers, and dieticians.

(9) A volunteer shall not be used as a substitute for a youth care staff member, but shall augment the services provided by the staff.

(10) A staff person designated to be in charge of the secure residential treatment facility shall be on-site at all times when a youth is in care. Procedures shall be in place to ensure that all staff members know who is in charge.

(f) Community and volunteer involvement.

(1) Each secure residential treatment facility shall establish written policies and procedures that provide for securing community and volunteer involvement in facility programs. The policies and procedures shall specify a screening and selection process for volunteers and shall encourage recruitment from all cultural and socioeconomic segments of the community.

(2) Written policies and procedures for volunteers shall include the following:

(A) A description of the lines and scope of authority, responsibility, and accountability for volunteers;

(B) orientation and training requirements for each volunteer; and

(C) a requirement that each volunteer who provides professional services must meet the same requirements as would be expected of a paid professional staff member providing the same services.

(3) Each volunteer shall agree, in writing, to abide by all secure residential treatment facility policies, specifically including those relating to security, confidentiality of information, and mandatory reporting laws pertaining to suspected abuse, neglect, and exploitation of youth.

(4) Each volunteer in contact with youth shall have a health assessment, including a screen for tuberculosis.

(Authorized by K.S.A. 1998 Supp. 65-508; implementing K.S.A. 1998 Supp. 65-508 and 65-516; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

***** Authenticated Kansas Administrative Regulation *****