Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Detention Centers and Secure Care Centers for Children and Youth.

28-4-359. Environmental standards.

(a) General building requirements.

(1) Each building shall meet the legal requirements of the community as to building code, zoning, fire protection, water supply and sewage disposal. Each center shall use public water and sewage systems, or shall have private water and sewage systems having approval and permits as required by K.S.A. 65-163 and K.S.A. 65-165 and amendments thereto. Where local fire regulations do not exist, construction shall be in compliance with the Kansas fire prevention code. When local and state regulations differ, the more stringent requirement shall prevail.

(2) A licensed architect shall be responsible for the plans for any newly constructed building or for any major addition or alteration to an existing building.

(A) In the case of a new building, preliminary plans and outline specifications, including plot plans, shall be submitted to the Kansas department of health and environment for review prior to commencing the final working drawings and specifications. The final working drawings, construction specifications and plot plans shall be submitted to the department for review and written approval prior to the letting of contracts.

(B) In the case of an addition or alteration to an existing building, a written statement defining the proposed use of the construction and the plans and specifications shall be submitted to the Kansas department of health and environment for review and written approval prior to commencing construction.

(3) If construction is not commenced within one year of the submittal of proposal for a new building or the addition or alteration to an existing building, the plans and proposal shall be resubmitted to the Kansas department of health and environment before proposed construction begins.

(b) Location and grounds requirements.

(1) Community resources such as health services, police protection, and fire protection from an organized fire department shall be available to the center.

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

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

(4) If the center is on the same grounds as any other type facility, the center shall be a separate, self-contained unit. No secure facility, other than a juvenile detention center, shall be attached to or on the grounds of an adult jail or lockup. When a juvenile detention facility is in the same building or on the same grounds as an adult jail or lockup, there shall be:

(A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities;

(B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and

(C) separate juvenile and adult staffs, including management, security staff and direct care staff such as recreational, educational and counseling staff members.

(5) There shall be sufficient space for visitor and staff parking at each center.

(c) The water supply to each center shall be from a source approved and certified by the health authority.

(1) Plumbing shall be installed and maintained in compliance with local and state plumbing codes.

(2) Any privately owned water supply shall be approved by the county health officer or the Kansas department of health and environment.

(d) Structural requirements.

(1) Center construction shall provide for the removal of architectural barriers to disabled persons in accordance with state and federal statutes. All parts of each center shall be accessible to and usable by disabled persons.

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

(3) Asbestos shall not be used in new or remodeling construction. Before any remodeling construction is started, any friable asbestos shall be covered and sealed in a manner that provides a protective barrier between the asbestos and the occupants of the building. The method of handling shall be in compliance with K.A.R. 28-50-1 through 28-50-14, the Kansas department of health and environment regulations governing asbestos control.

(4) Floors shall be smooth and free from cracks, easily cleanable and shall not be slippery. Floor covering for living quarters shall be required. All floor covering shall meet fire safety regulations, be kept clean and be maintained in good repair.

(5) Walls shall be smooth, easily cleanable and in sound condition. Paneling shall meet any applicable fire safety regulations. Lead-free paint shall be used on all painted surfaces.

(6) Juveniles' rooms shall be limited to the ground level and above. Any room with floor level more than 30 inches below ground level shall be considered a basement. The minimum square footage of floor space shall be 80 square feet in single rooms, and an average of not less than 60 square feet of floor space per person in rooms accommodating more than one person. At least one dimension of the usable floor space unencumbered by furnishings or fixtures shall be no less than seven feet. The minimum ceiling height shall be seven feet eight inches over 90% of the room area. An even temperature of between 68° fahrenheit and 78° fahrenheit shall be maintained with an air exchange of at least four times per hour.

(7) Bedrooms occupied by juveniles shall have a window source of natural light. Access to a drinking water source and toilet facilities shall be available 24 hours a day. Locking systems shall be approved by the state fire marshal or the marshal's designee.

(8) Separate beds with level, flat mattresses in good condition, shall be provided for each juvenile. Beds shall be above the floor level.

(9) Adequate, clean bedding shall be provided for each juvenile.

(10) All quarters utilized by juveniles shall have minimum lighting of 20 foot candles in all parts of the room. There shall be minimum lighting of 35 foot candles in areas used for reading, study or other close work.

(11) There shall be adequate space for study and recreation.

(12) Each living unit shall contain:

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

(B) writing surfaces that provide sufficient space for the maximum number of juveniles expected to use the area at any one time;

(C) furnishings that are consistent with the security needs of the assigned juveniles; and

(D) adequate central storage for household supplies, bedding, linen and recreational equipment.

(13) If a center has dayrooms, they shall provide space for varied juvenile activities. Dayrooms shall be situated immediately adjacent to the juvenile sleeping rooms but separated from them by a floor-to-ceiling wall. Each dayroom shall provide at least 35 square feet per person, exclusive of lavatories, showers and toilets, for the maximum number of juveniles expected to use the dayroom area at any one time.

(14) There shall be a working telephone readily accessible to staff members in all areas of the building. Emergency numbers such as fire, police, hospital, physician, poison control center and ambulance shall be posted by each phone.

(15) The inside program and activity areas, excluding the sleeping rooms, day room and class rooms, shall provide floor space equivalent to a minimum of 100 square feet per juvenile.

(16) Sufficient space shall be provided for contact visiting. There shall be adequately designed space to permit screening and search of both juveniles and visitors. Storage space shall be provided for the secure storage of visitors' coats, handbags and other personal items not allowed into the visiting area.

(17) Each room used for locked isolation shall meet the requirements for an individual bedroom.

(A) The walls of each room used for locked isolation shall be completely free of objects.

(B) The door of each room used for locked isolation shall be equipped with a window mounted in a manner which allows inspection of the entire room. Glass in this window shall be impact-resistant and shatterproof.

(C) The locking system shall be approved by the state fire marshal or the marshal's designee.

(18) A service sink and storage area for cleaning supplies shall be provided in a well ventilated room separate from kitchen and living areas.

(e) Food services.

(1) Food storage, preparation and service shall comply with K.A.R. 28-36-20 through 28-36-29, the Kansas department of health and environment regulations governing food and lodging services.

(2) All foods not requiring refrigeration shall be stored at least six inches above the floor in clean, dry, well-ventilated storerooms or other approved areas with no overhead drain or sewer lines.

(3) Dry bulk food which is not in an original, unopened container shall be stored in metal, glass or food-grade plastic containers with tight-fitting covers and shall be labeled.

(4) Poisonous or toxic materials shall not be stored with or over food. If medication requiring refrigeration is stored with refrigerated food, the medication shall be stored in a locked medicine box under all food items in the refrigerator.

(5) All perishables and potentially hazardous foods shall be continuously maintained at 45° fahrenheit or lower in the refrigerator, or 10° fahrenheit or lower in the freezer, with 0° fahrenheit recommended.

(A) Each cold storage facility shall be provided with a clearly visible, accurate thermometer.

(B) All foods stored in the refrigerator shall be covered.

(C) Food not stored in the original container shall be labeled with the contents and date.

(D) Raw meat shall be stored under all other food items in the refrigerator before cooking.

(E) Adequate facilities to maintain product temperatures shall be available.

(6) All dense hot foods shall be stored in containers four inches or less deep.

(7) Food preparation and service.

(A) Each food preparation area shall be adequately equipped for the sanitary preparation and storage of food and washing of dishes and utensils. Food shall be prepared and served in a sanitary manner.

(B) Cooking equipment shall be kept clean and in good condition.

(C) Dishes shall have hard-glazed surfaces and shall be free of cracks and chips.

(D) Dishes, kitchen utensils and serving equipment shall be maintained in a sanitary condition using one of the following methods:

(i) A three-compartment sink supplied with hot and cold running water to each compartment and a drain board for washing, rinsing, sanitizing and air drying, with appropriate chemical test kit for testing the sanitizing solution;

(ii) a domestic-type dishwasher for groups of 24 or fewer persons;

(iii) a commercial-type dishwasher providing a 12 second rinse with 180° fahrenheit water, for groups of 25 persons or more;

(iv) other methods of sanitizing by manual or mechanical cleaning in accordance with K.A.R. 28-36-24 (3) and (4); or

(v) the use of disposable plates, cups, and plastic utensils of food-grade medium weight. Disposable table service shall be used only one time and then destroyed.

(E) Tables shall be in good condition and shall be washed before and after each meal. Floors shall be swept after meals.

(F) Meat shall be thawed using one of the following methods:

(i) Removing the meat from the freezer in advance and putting it in the refrigerator to thaw;

(ii) placing the meat under running, tepid water 72° fahrenheit; or

(iii) in the microwave as part of the cooking process.

(8) Sanitary conditions.

(A) Only authorized persons shall be in the kitchen.

(B) Each kitchen shall be equipped with separate hand washing facilities. Personnel shall wash their hands before handling food and after working with raw meat.

(C) Hair shall be restrained.

(D) No staff member with any open wounds or infections shall cook.

(E) Clean and soiled linen shall be properly stored in the kitchen area.

(F) A covered trash can shall be used in the restroom used by the kitchen staff.

(9) Food safety.

(A) All dairy products shall be pasteurized. Dry milk shall be used for cooking only.

(B) Meat products shall be obtained from government-approved sources.

(C) Home canned foods, other than jams and jellies, and home frozen foods shall not be served in the center.

(D) Commercially canned food from dented, rusted, bulging or leaking cans, and food from cans without labels shall not be used.

(10) Nutrition.

(A) Meals and snacks shall meet the nutrient needs of the juveniles in accordance with recommended dietary allowances. A sufficient quantity of food shall be prepared for each meal to allow each juvenile second portions of vegetables, fruit, bread and milk.

(B) Special diets shall be provided for juveniles, if medically indicated, or to accommodate religious practice, as indicated by a religious consultant.

(C) Menus shall be planned one week in advance. Copies of the menus for the preceding month shall be kept on file and available for inspection.

(11) If meals are catered:

(A) The meals shall be obtained from sources licensed by the Kansas department of health and environment.

(B) Food shall be transported in covered and temperature-controlled containers and shall not be allowed to stand. Hot foods shall be maintained at not less than 140° fahrenheit, and cold foods shall be maintained at 45° fahrenheit or less.

(f) Toilets and lavatories.

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

(2) Each bathroom shall be ventilated. Each inside bathroom shall have a mechanical ventilating system to the outside with a minimum of ten air changes per hour.

(3) Toilet and bathing facilities and drinking water shall be convenient to sleeping quarters, living and recreation rooms.

(4) Cold and hot water, not exceeding 120° fahrenheit, shall be supplied to lavatories, bathtubs and showers.

(5) Toilet facilities and drinking water shall be convenient to reception and admission areas.

(6) Locked sleeping rooms shall be equipped with a drinking fountain, lavatory and toilet, unless a communication system or procedure is in effect to give the resident immediate access to a lavatory, toilet and drinking water.

(g) Laundry.

(1) If laundry is done at the center, laundry fixtures shall be located in an area separate from food preparation areas and shall be installed and used in such manner as to safeguard the health and safety of the juveniles.

(2) Soiled linen shall be stored separately from clean linen. In centers constructed after January 1, 1974, separate hand washing facilities shall be provided in each laundry room which serves 25 or more persons.

(3) Blankets shall be laundered or sanitized before reissue.

(4) Blankets, when used with sheets, shall be laundered at least once each month.

(5) Mattresses shall be water repellent and washed down and sprayed with disinfectant before reissue. Mattress materials and treatments shall meet state fire marshal regulations.

(6) Adequate space shall be allocated for storage of clean and dirty linen and clothing. If in-house laundry service is provided, adequate space shall be allocated for the laundry room and storage of laundry supplies, including locked storage for chemical agents used in the laundry area.

(h) Building maintenance standards.

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

(2) Floors and walking surfaces shall be kept free of hazardous substances at all times.

(3) A schedule for cleaning each building shall be established and maintained.

(4) Floors shall be swept and mopped daily.

(5) Washing aids, such as brushes, dishmops and other hand aids used in dishwashing activities, shall be clean and used for no other purpose.

(6) Mops and other cleaning tools shall be cleaned and dried after each use and stored in a well-ventilated place on adequate racks.

(7) Insecticides, rodent killers and other poisons shall be used under careful supervision. These poisons shall be stored in a locked area.

(8) Toilets, lavatories, sinks and other such facilities in the living quarters shall be cleaned thoroughly each day.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1979; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Aug. 23, 1993.)

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