Kansas Administrative Regulations

Department of Health and Environment

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

28-4-337. Records.

(a) Personnel records. Each secure residential treatment facility shall maintain individual personnel records for each staff member, which shall include the following information:

(1) The staff member's job application, including all of the following:

(A) Identifying information;

(B) the staff member's qualifications; and

(C) character and employment references;

(2) a description of the staff member's terms of employment and a copy of the staff member's job description;

(3) documentation of the staff member's employment dates and a copy of each of the staff member's annual performance reviews;

(4) the staff member's health certificates, including a record of the results of a health assessment and tuberculin test, documented on forms supplied or approved by the department;

(5) documentation of orientation, in-service training, and continuing education completed by the staff member;

(6) documentation of the report submitted to the department for the purpose of a background check for criminal and child abuse histories, to determine compliance with K.S.A. 65-516, and amendments thereto;

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

(A) The statutes and regulations regarding mandatory reporting of suspected child abuse, neglect, and exploitation;

(B) the regulations for licensing secure residential treatment facilities for youth;

(C) the secure residential treatment facility's policies and procedures, including personnel, administrative, daily, and behavior management policies and procedures; and

(D) policies providing for a drug-free workplace; and

(8) a copy of each grievance and incident report regarding the specific staff member, including documentation regarding the means of resolution of each report.

(b) Volunteer records. Each secure residential treatment facility shall maintain individual volunteer records documenting the facility-related activities of each volunteer. The records shall include the following:

(1) The volunteer's identifying information;

(2) a copy of the volunteer's job description;

(3) documentation of the volunteer's dates of service and a copy of each of the volunteer's performance reviews;

(4) documentation of orientation provided to the volunteer regarding the secure residential treatment facility and specific assignments given to the volunteer;

(5) documentation that the volunteer has read, understands, and agrees to follow the policies and procedures of the secure residential treatment facility, including those related to security, confidentiality of information, and mandatory reporting of suspected child abuse and neglect;

(6) documentation of freedom from active tuberculosis;

(7) documentation of the report submitted to the department for the purpose of a background check for criminal and child abuse histories, to determine compliance with K.S.A. 65-516, and amendments thereto; and

(8) a copy of the health assessment as required in K.A.R. 28-4-333(f)(4).

(c) Youth records.

(1) Each secure residential treatment facility shall establish and implement written policies and procedures governing management of youth records. These policies and procedures shall include provisions for the following:

(A) Establishment, utilization, content, privacy, security, and preservation of records;

(B) a schedule for the retirement and destruction of inactive case records; and

(C) a review of the youth record policies and procedures at least annually and revision as needed.

(2) Each secure residential treatment facility shall keep a register of all youth in care. The register shall include the following information for each youth:

(A) Name;

(B) date of birth;

(C) the name and address of each parent or legal guardian;

(D) the name and address of the legal custodian, if not the parent or legal guardian;

(E) the name and address of the closest living relative, if other than a parent or guardian;

(F) the reason for admission; and

(G) the dates of admission and release.

(3) Each facility shall keep individual records for each youth, which shall include the following:

(A) The youth's identifying information;

(B) a description of the youth's legal status;

(C) the name of the youth's legal custodian;

(D) medical and dental permission forms, signed by a parent or legal guardian. The permission form used shall be one that is acceptable to the vendor who will provide the service; and

(E) a written inventory of all money and personal property of the youth signed by the youth and the admitting staff member as required by K.A.R. 28-4-335(d).

(4) Each facility shall keep a daily log of each youth's behavior in the youth's individual record file, with notations regarding any special problems and the response of the staff to any problems. Each entry shall be initialed by the staff member making the entry.

(5) A list of all youth receiving treatment shall be submitted on forms provided by the department upon request.

(6) Information from a youth's record shall not be released without written permission from the youth's parent or legal guardian. Improper disclosure of records or information

regarding a youth shall be grounds for revocation or suspension of the secure residential treatment facility's license or denial of a facility's application for licensure.

(7) The written policies, procedures, and practices regarding youth records shall provide for the transfer of a youth's record upon release of a youth to a residential care facility. Each secure residential treatment facility shall ensure that each youth's record precedes or accompanies the youth. The case file information shall include the following:

(A) Identifying information;

(B) medical records;

(C) immunization records;

(D) insurance information;

(E) the youth's medical card, when applicable;

(F) school placement information, including present courses of study; and

(G) the name and address of each parent or legal guardian.

(8) Additional case file information to be transferred shall accompany the youth or be transferred within 72 hours.

(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 *****