Kansas Administrative Regulations

Department of Health and Environment

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

28-4-353. Administration.

(a) Organization.

(1) The center shall be administered by:

(A) A public agency; or

(B) A private entity with a governing board which is legally responsible for the operation, policies, finances and general management of the center. The director shall not be a voting member of the governing board.

(2) If the sponsor is a private corporation, it shall be a corporation qualified in the state of Kansas, and shall operate in accordance with an established constitution and by-laws. A copy of the articles of incorporation and by-laws shall be furnished to the Kansas department of health and environment. It shall include a non-discrimination statement which complies with state and federal civil rights laws.

(b) Administrative policies.

(1) Each center shall have written plans and policies of organization and administration clearly defining legal responsibility, administrative authority and responsibility for comprehensive services, including an organizational chart as approved by the governing body. Changes in policies shall be submitted to the Kansas department of health and environment for licensing approval.

(2) Center personnel and administrative policies shall be distributed to staff members.

(c) Finances.

(1) Funding.

(A) Each center shall have sound and sufficient finances to ensure effective services. Financing plans shall be a responsibility of the governing body. It shall be the

responsibility of the licensee to provide the financial resources necessary to maintain compliance with licensing regulations.

(B) Solicitation of funds by charitable organizations shall be made in Kansas in compliance with K.S.A. 17-1759 et seq.

(C) Juveniles shall not be exploited in any fund-raising efforts.

(2) Financial records.

(A) Each center shall maintain financial records sufficient to verify resources and expenditures. Each center shall account for major expenditures on behalf of the juveniles for whom payment is received.

(B) Each juvenile's personal money shall be kept separate from the center funds in an individual account, in accordance with accepted accounting procedures.

(C) A yearly audit by an independent accountant shall be conducted, and a copy of the audit shall be available at the center for review by the staff of the Kansas department of social and rehabilitation services and the Kansas department of health and environment.

(D) The licensee shall make available to the Kansas department of social and rehabilitation services and the Kansas department of health and environment an annual financial statement verifying assets and liabilities.

(3) Insurance.

(A) Each center shall maintain at a minimum the following insurance:

(i) Professional and civil liability for employees; and

(ii) Liability for injury or personal property damage.

(B) Public agencies and private entities shall purchase motor vehicle liability insurance policies containing limits of liability with respect to each vehicle, 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 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 center shall have written personnel policies, approved and reviewed annually by the governing body. Written personnel policies shall be provided to each staff member upon employment. The policies shall include:

(A) hiring practices;

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

(C) hours;

(D) sick and vacation leave;

(E) grievance procedures;

(F) salaries, benefits and staff development.

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

(e) Staffing.

(1) The governing body of the center shall designate a director whose responsibility is the overall administration of the center.

(2) A written daily staff schedule shall be developed and followed. There shall be:

(A) Adequate male and female staff to directly supervise and interact with the juveniles at all times and provide for their physical, social, emotional and educational needs;

(B) one youth care staff member on active duty for each seven juveniles during waking hours and one youth care staff member on active duty for each 11 juveniles during sleeping hours;

(C) at least one male and one female youth care staff member present, awake and available to the juveniles at all times.

(3) At no time shall there be less than two youth care staff members on active duty when a juvenile is in care.

(4) At no time shall any one youth care staff member directly supervise more than 11 juveniles. Juveniles shall not be left in a room unattended except that, during sleeping hours, there shall be a minimum of one youth care staff member immediately available to every 11 juveniles in a connecting area to the sleeping rooms. Supervision of juveniles in locked isolation shall comply with K.A.R. 28-4-355b (c)(4)(J) and (K).

(5) Alternate youth care staff members shall be provided for the relief of the regular staff members on a one-to-one basis in compliance with the staffing pattern required in K.A.R. 28-4-353(e)(4).

(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 youth care staff requirements.

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

(9) A volunteer shall not be used as a substitute for an essential program or operating staff member but shall augment the services provided by the staff.

(10) There shall be a designated staff person on site and in charge of the facility at all times when a juvenile 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) Written policies and procedures shall provide for securing community and volunteer involvement in programs. The policies and procedures shall specify a screening and selection process and shall encourage recruitment from all cultural and socio-economic segments of the community.

(2) Written policies and procedures shall govern the volunteer program, specifying the lines and scope of authority, responsibility and accountability. The policies and procedures shall include:

(A) Screening, selection and termination;

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

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

(D) supervision;

(E) identification of the volunteer while in the facility; and

(F) provision for a background check as required by K.A.R. 28-4-351(g).

(3) Each volunteer shall agree in writing to abide by all center policies, particularly those relating to security, confidentiality of information and mandatory reporting laws pertaining to suspected abuse, neglect and exploitation of juveniles.

(4) Each volunteer who will have contact with juveniles shall have a health assessment, including a screen for tuberculosis.

(5) Written policies and procedures shall provide that the director may curtail, postpone or discontinue the services of a volunteer or volunteer organization when there are substantial reasons for so doing.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-508 and 65-516; effective May 1, 1979; amended Aug. 23, 1993.)

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