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**IDAPA 05
TITLE 01
CHAPTER 01**

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES FOR CONTRACT PROVIDERS

000. LEGAL AUTHORITY.

01. Section 20-504(9), Idaho Code. Pursuant to Section 20-504(9), Idaho Code, the department shall establish minimum standards for the operations of all private residential and nonresidential facilities and programs which provide services to juvenile offenders. (4-6-05)

02. Section 20-504(11), Idaho Code. Pursuant to Section 20-504(11), Idaho Code, the department shall have authority to adopt such administrative rules pursuant to the procedures provided in Chapter 52, Title 67, Idaho Code, as are deemed necessary or appropriate for the functioning of the department and the implementation and administration of the Juvenile Corrections Act. (4-6-05)

03. Interstate Compact on Juveniles. By the provisions of Sections 16-1901, et seq., Idaho Code, the "Interstate Compact on Juveniles," the department is authorized to promulgate rules and regulations to carry out more effectively the terms of the compact. (4-6-05)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 05.01.01, "Rules for Contract Providers," IDAPA 05, Title 01, Chapter 01. (4-6-05)

02. Scope. These rules are established to ensure that the juvenile corrections system in Idaho will be consistently based on the following principles: accountability; community protection; and competency development. (4-6-05)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretations of these rules. The document is available for public inspection and copying at cost at the Idaho Department of Juvenile Corrections, 954 W. Jefferson St., Boise, Idaho 83720. (4-6-05)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (4-6-05)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. (4-6-05)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The Idaho Department of Juvenile Corrections is located at 954 W. Jefferson St., Boise, Idaho 83720. Business hours are typically 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. Mail regarding the Idaho Department of Juvenile Corrections' rules should be directed to P.O. Box 83720, Boise, Idaho 83720-0285. The telephone of the office is (208) 334-5100 and the telecommunications relay service of the office is 1 800 377-1363 or 711. The facsimile number of the office is (208) 334-5120. (4-6-05)

006. PUBLIC RECORDS ACT COMPLIANCE.

The records associated with the contract providers are juvenile records of the Idaho Department of Juvenile Corrections, and are subject to the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-6-05)

007. REGIONAL FACILITY CONTACT INFORMATION.

3332. **01. Region 1 Facility.** The Juvenile Corrections Center at Lewiston may be contacted at (208) 799-3332. (3-29-10)
- 02. Region 2 Facility.** The Juvenile Corrections Center at Nampa may be contacted at (208) 465-8443. (3-29-10)
3462. **03. Region 3 Facility.** The Juvenile Corrections Center at St. Anthony may be contacted at (208) 624-3462. (3-29-10)
- 008. -- 009. (RESERVED).**
- 010. DEFINITIONS.**
As used in this chapter: (4-6-05)
- 01. Adult.** A person eighteen (18) years of age or older. (4-6-05)
- 02. Assessment.** The process of gathering information to determine risk and program needs for the purpose of guiding placement decisions and to develop the service plan. (4-6-05)
- 03. Clinical Services Administrator.** Administrative person who has oversight of the department's clinical services division. Supervises the regional clinical supervisors and works with the regional superintendents in the maintenance and development of treatment programs. (4-6-05)
- 04. Clinical Supervisor.** Person who supervises juvenile services coordinators and clinicians in assigned regions. This person is responsible for recommending releases from department custody and approving transfers in collaboration with the clinical services administrator, and regional superintendent. This responsibility also includes oversight of the regional observation and assessment process, and assists in the maintenance and development of treatment programs. (4-6-05)
- 05. Commit.** Commit means to transfer legal custody to the Idaho Department of Juvenile Corrections. (4-6-05)
- 06. Community Treatment Team.** A team including the juvenile services coordinator, contract provider case manager, juvenile probation officer, family, and others, as necessary, who work together to provide input into each juvenile offender's service implementation plan, implement their respective sections of that plan, and monitor and report progress on treatment goals. (4-2-08)
- 07. Contraband.** Any item not issued or authorized by the contract provider. (4-6-05)
- 08. Confidential Information.** Information that may only be used or disclosed as provided by state or federal law, federal regulations, or state rule. (4-6-05)
- 09. Contract Provider.** A residential or nonresidential program under contract with the department to supervise juvenile offenders, provide accountability and competency development in the least restrictive setting, consistent with public safety. (4-2-08)
- 10. Court.** Means district court or magistrate's division thereof. (4-6-05)
- 11. Criminogenic Needs.** Assessed juvenile offender risk factors or attributes of juvenile offenders that are directly linked to criminal behavior and, when changed, influence the probability of recidivism. (4-2-08)
- 12. Department.** The Idaho Department of Juvenile Corrections. (4-6-05)
- 13. Detention.** Detention means the temporary placement of juveniles who require secure custody for their own or the community's protection in physically restricting facilities. (4-6-05)
- 14. Director.** The director of the Idaho Department of Juvenile Corrections. (4-6-05)

15. Education Plan. A written plan for general education students outlining the coursework they will complete each year towards meeting the Idaho Achievement Standards and recommended coursework for their grade level and based on assessed academic, emotional, developmental and behavioral needs, and competencies. Students qualifying for Individuals with Disabilities Education Act (IDEA) services will have an Individual Education Plan (IEP) in lieu of an education plan. (4-2-08)

16. Escape. Attempting to leave or leaving a facility without permission, or attempting to leave or leaving the lawful custody of any officer or other person without permission. (3-29-10)

17. Facility. The physical plant associated with the operation of residential or nonresidential programs. (4-6-05)

18. Facility Treatment Team. The group of staff employed by the department or by the contract provider who have input into developing the juvenile offender's service implementation plan; who provide direct services to juvenile offenders; and who monitor and report on the progress on meeting the goals in that plan. The facility treatment team is responsible for working with the community treatment team to develop and implement the service implementation plan. (4-2-08)

19. General Education Student. A student who does not qualify for special education services under the Individuals with Disabilities Education Act (IDEA). (3-29-10)

20. Health Assessment. The purpose of a health assessment is to thoroughly review and determine a juvenile offender's comprehensive health needs. This information is used to develop the medical terms of a juvenile offender's service plan. (4-2-08)

21. Health Screening. The purpose of a health screening is to quickly identify a juvenile offender's immediate health needs and to determine if there are any immediate needs related to a chronic health condition. (4-2-08)

22. Health Services. Health services are defined as including, but not limited to, routine and emergency medical, dental, optical, obstetrics, mental health, or other related health service. (4-6-05)

23. Incident Report. A written document reporting any occurrence or event, or any other incident which threatens the safety and security of staff, juvenile offenders or others, or which threatens the security of the program and which requires a staff response. (4-2-08)

24. Individual Community Pass. An individual community pass includes any instance in which a juvenile offender leaves the contract provider's facility for a planned activity, without direct supervision by at least one (1) contract provider or department staff. Regular school or work attendance, regular participation in off-site treatment sessions or groups and other regular off-site activities specifically included in the service implementation plan or written reintegration plan and approved by the juvenile services coordinator are not included in this definition. Individual community passes include, but are not limited to: (4-2-08)

a. Day passes alone or with family or other, approved individuals; (4-2-08)

b. Day or overnight home visits; (4-2-08)

c. Recreational activities not otherwise approved as a part of a group activity; and (4-2-08)

d. Funeral leave. (4-2-08)

25. Individual Education Plan (IEP). A written document (developed collaboratively by parents and school personnel) which outlines the special education program for a student with a disability and is based on assessed academic, emotional, developmental and behavioral needs, and competencies. This document is developed, reviewed, and revised at an IEP meeting at least annually. (4-2-08)

- 26. Interns.** A paraprofessional staff who is pursuing a degree and who, as a part of documented coursework with a college or university, may provide counseling or other services to juvenile offenders in the department's custody or their families, under direct supervision of qualified staff. (4-2-08)
- 27. Judge.** A district judge or a magistrate. (4-6-05)
- 28. Juvenile.** A person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any act, omission or status bringing the person within the purview of the Juvenile Corrections Act. (4-6-05)
- 29. Juvenile Offender.** A person under the age of eighteen (18), committed by the court to the custody, care and jurisdiction of the department for confinement in a secure facility following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult. (4-6-05)
- 30. Juvenile Records.** Information concerning the juvenile offender's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to commitment papers, court orders, detainer, personal property receipts, visitors' lists, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence. (4-2-08)
- 31. Juvenile Services Coordinator.** An individual employed by the department who is responsible for the monitoring of therapeutic or rehabilitative treatment services to juvenile offenders participating in a treatment program. This responsibility includes monitoring service plans and progress reports and sharing information with family, community, courts, and with other department employees. (4-2-08)
- 32. Legal Custody.** The relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the juvenile offender, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care. (4-2-08)
- 33. Legal Guardian.** A person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner or operator of a detention center, observation and assessment center, secure facility, residential facility or other facility having temporary or long-term physical custody of the juvenile offender. (4-6-05)
- 34. Mechanical Restraints.** Any method of physical control of a juvenile offender which involves the use of devices to restrict physical activity. (4-2-08)
- 35. Mental Health Assessment.** The purpose of a mental health assessment is to thoroughly review and determine a juvenile offender's comprehensive mental health needs. This information is used to develop the medical terms of a juvenile offender's service plan. (4-2-08)
- 36. Mental Health Screening.** The purpose of mental health screening is to quickly identify a juvenile offender's immediate mental health needs and to determine if there are any immediate needs related to a chronic mental health condition. (4-2-08)
- 37. Nonresidential Programs.** Programs providing services to juveniles in the custody of the department and their families in which the juvenile offender continues to live with a parent or guardian and not in a residential care facility. (4-2-08)
- 38. Observation and Assessment Program.** A residential or nonresidential program designed to complete assessments of juveniles in the custody of the department. (4-6-05)
- 39. Physical Restraint.** Any method of physical control of a juvenile offender which involves staff touching or holding a juvenile offender to limit or control the juvenile offender's actions. (3-29-10)
- 40. PREA.** Prison Rape Elimination Act of 2003. (3-29-10)
- 41. Quality Assurance.** Department employees responsible for overseeing contract providers'

- compliance with contract terms and these rules. (4-6-05)
- 42. Region.** Subunits of the department organized by geographical areas and including all services and programs offered by the department in that area. (4-6-05)
- 43. Regional Facility.** Department operated juvenile correctional centers located in each region of the state. (4-6-05)
- 44. Reintegration Plan.** That part of the juvenile offender's service plan which specifically addresses the terms, conditions and services to be provided as the juvenile offender moves to a lower level of care or leaves the custody of the department. (4-2-08)
- 45. Release from Department Custody.** Refers to the termination of the department's legal custody of a juvenile. (4-6-05)
- 46. Restitution.** Financial payment or service work intended to reimburse victims for the cost of damage or harm caused by a juvenile offender. Restitution may be court ordered or may be imposed following a formal disciplinary process within a contract provider program. (4-2-08)
- 47. Restricted Clinical Information.** Any record, document or other information legally protected from dissemination to the general public by statute or rule, such as psychological evaluations, therapy notes, therapy journals, sex histories, polygraph results, and psychological testing, or other legally confidential information. (4-6-05)
- 48. Room Confinement.** Instances in which juvenile offenders are confined in the room in which they usually sleep, rather than being confined in an isolation room. (3-29-10)
- 49. Separation or Isolation.** Any instance when juvenile offenders are confined alone for over fifteen (15) minutes in a room other than the room in which they usually sleep. (3-29-10)
- 50. Service Implementation Plan.** A written document produced and regularly updated by a regional facility or contract provider with input from the community treatment team within thirty (30) days of arrival at regional facility or contract provider. This plan describes interventions and objectives to address the service plan goals including the areas of community protection, accountability, and competency development. (4-2-08)
- 51. Service Plan.** A written document produced during the observation and assessment period following commitment to the department that defines the juvenile offender's criminogenic needs and risks, strengths, goals, and recommendations for family and reintegration services. The service plan addresses the relevant needs and services for each juvenile offender in areas such as mental health, medical, education, substance abuse, and social skills. (4-2-08)
- 52. Sexual Misconduct.** Sexual misconduct includes all types of assault, violence, intimidation, and harassment of a sexual nature directed toward juvenile offenders by staff or by other juvenile offenders. (4-2-08)
- 53. Staffing.** Regularly scheduled meetings of the community and facility treatment team members to review progress on treatment goals and objectives identified in each juvenile offender's service implementation plan. (4-2-08)
- 54. Strip Search.** An examination of the juvenile offender's naked body for weapons, contraband, injuries, or vermin infestations. This also includes a thorough search of all the juvenile offender's clothing while such is not being worn. (4-2-08)
- 55. Suicide Risk Assessment.** An evaluation performed by a mental health professional to determine the level of immediate risk of a juvenile offender attempting suicide, and to apply this information in developing a safety plan for the juvenile offender. (4-2-08)
- 56. Suicide Risk Screening.** An evaluation that is used to quickly determine, based upon known

history and current behavior, whether a juvenile offender presents any identifiable risk of immediate suicidal behavior, and to call in a mental health professional to complete a suicide risk assessment. (4-2-08)

57. Transfer. Any movement of a juvenile offender in the custody of the department from one (1) facility to another, including a regional facility, without a release from department custody. (4-2-08)

58. Treatment. Any program of planned services developed to meet risks and needs of juvenile offenders and their families, as identified in an assessment, and as related to activities designed to teach alternate behaviors and to support change in the beliefs that drive those behaviors. Treatment as referenced in this context also includes the maintenance of conditions that keep juvenile offenders, staff and the community safe. (4-2-08)

59. Variation. The means of complying with the intent and purpose of a child care licensing rule in a manner other than that specifically prescribed in the rule. (4-6-05)

60. Vocational Services. Any service provided related to assessment, education, guidance or training in the area of work or basic living skills. (4-6-05)

61. Volunteer. A person from the community who freely chooses to do or provide both direct or indirect services to juvenile offenders or staff at a facility or juvenile correctional center. This person is not compelled to do so and is not compensated for the services. (4-2-08)

62. Waiver. The nonapplication of one (1) or more of these rules based upon a request by the provider and a written decision issued by the department. (4-6-05)

63. Work Program. A public service work project which employs juveniles at a reasonable wage for the purpose of reimbursing victims of juveniles' delinquent behavior. (4-6-05)

011. -- 099. (RESERVED).

100. INITIATION OF SERVICES.

Juveniles are committed to the department under the provisions of the Juvenile Corrections Act (Sections 20-501 through 20-547, Idaho Code) and the Interstate Compact on Juveniles (Sections 16-1901 through 16-1910, Idaho Code). (4-6-05)

101. WAIVER OR VARIATION.

Minimum program standards established herein shall apply to all services provided by the contract provider. Any waiver or variation from the standards stated in these rules must receive prior written approval from the department and must be attached as a formal amendment to the contract. (4-6-05)

102. -- 199. (RESERVED).

200. AUTHORITY TO INSPECT.

01. Inspections. The department shall have the authority to conduct reviews of programs, program operations, and facilities to ensure the contract provider's compliance with these rules. The contract provider shall cooperate with the department's review, and must provide access to the facility and all juvenile records for juveniles in department custody, as deemed necessary by the department. The department may access individual juvenile records of juveniles who have received services funded by the department but are not in the custody of the department. However, in order to more fully assess the operation of the program, aggregate data and information for all juveniles must be made available. (4-2-08)

02. Quarterly Reports. In order to assist the department in monitoring contract programs for key areas of operational performance, each contract provider will be required to submit a written, quarterly report to the department's quality assurance staff. These reports may be submitted by facsimile, mail, or electronically within thirty (30) calendar days of the end of each quarter. The reports shall include, at a minimum, the following information: (4-2-08)

- a. Changes made in the population served; (4-2-08)
- b. Changes in program design or functioning; (4-2-08)
- c. Changes in program curriculum; (4-2-08)
- d. Changes in organizational chart; (4-2-08)
- e. All staff turnover during the quarter; (4-2-08)
- f. Copies of all incident reports; (4-2-08)
- g. Number of reportable incidents of the type listed below: (4-6-05)
 - i. Assaults against juvenile offenders; (4-2-08)
 - ii. Assaults against staff; (4-6-05)
 - iii. Behavioral and psychiatric emergencies; (4-6-05)
 - iv. Contraband; (4-6-05)
 - v. Escapes; (4-6-05)
 - vi. Injuries or illness requiring significant medical attention; (4-2-08)
 - vii. Restraints; (4-6-05)
 - viii. Separation or isolation; (4-6-05)
 - ix. Sexual misconduct; and (4-2-08)
 - x. Suicide precautions. (4-6-05)
- h. Number of hours and topics included in staff training for the quarter; (4-6-05)
- i. Personal funds, earned income, and restitution for each juvenile in department custody according to Subsection 212.02 of these rules; (4-2-08)
- j. A copy of juvenile offender grievances and resolutions according to Subsection 246.02 of these rules; (4-2-08)
- k. Number of department referrals made and accepted; and (4-2-08)
- l. Number of department referrals made and rejected. (4-2-08)

03. Additional Reporting Requirements. In situations where the department has determined that the safety, security, or order of a program are at risk, more frequent and more detailed reporting will be required by the director, or designee. The department has a responsibility at all times to monitor the overall safety, security, and order of a facility or program for the protection and well-being of the juvenile offenders. For these reasons, the contract provider shall report to the department any and all incidents of the type normally requiring immediate notice to the department, as identified in Subsection 262.02, that occur in their program or facility regardless of whether or not the juveniles involved are in the department's custody. Any such reports regarding juveniles not in department custody shall include the type and scope of the incident without any information identifying the juvenile shall be made to the department's quality assurance staff. (4-2-08)

201. COMPLIANCE WITH STATE AND LOCAL CODES AND ORDINANCES.

The contract provider shall maintain compliance with all state and local building, life safety, and zoning requirements. Documentation of compliance shall be made available to the Idaho Department of Juvenile Corrections. (4-6-05)

202. COMPLIANCE WITH RULES REQUIREMENTS.

The contract provider shall comply with all relevant child care licensing rules of the Idaho Department of Health and Welfare, IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing," as well as the rules of the Idaho Department of Juvenile Corrections. If a conflict exists between department rules, the more restrictive rule applies. Any and all subcontractors and consultants of the contract provider are also subject to these rules. (4-6-05)

203. ACCESSIBILITY, GENERAL SAFETY AND MAINTENANCE OF BUILDINGS AND GROUNDS.

01. Reasonable Access. The program buildings, parking lots and other facilities shall provide reasonable access as required by the Americans with Disabilities Act and other federal and state laws and regulations. (4-6-05)

02. Maintenance. The contract provider shall ensure that all structures are maintained in good repair and are free from hazards to health and safety. The facility grounds shall also be maintained and shall be free from any hazard to health and safety. (4-6-05)

03. Written Plan. The program shall have a written plan for preventive and ongoing maintenance of the facility. (4-6-05)

04. Safety Program. Each contract provider shall have a designated staff member who is responsible for the safety program at the facility. This individual shall conduct routine inspections of the facility monthly, with copies of the inspections kept on file for review by the department, to identify: (4-6-05)

- a. Fire safety; (4-6-05)
- b. Existing hazards; (4-6-05)
- c. Potential hazards; and (4-6-05)
- d. The corrective action that should be taken to address these hazards. (4-6-05)

05. Emergency Procedures. The contract provider will utilize and maintain a current emergency procedure manual which shall include, at a minimum, procedures pertaining to: (4-6-05)

- a. Fire safety and escape; (4-6-05)
- b. Emergency medical care; (4-6-05)
- c. Notification and filing charges on escape; (4-6-05)
- d. Incidents of violence within the facility; (4-6-05)
- e. Suicide prevention; (4-6-05)
- f. Child abuse reporting; and (4-6-05)
- g. Sexual abuse disclosures. (4-6-05)

204. VEHICLES.

01. Condition. Vehicles used to transport juveniles must be mechanically sound, in good repair, and meet the department's requirements for insurance coverage. (4-6-05)

02. Compliance with Applicable Laws. All vehicles must possess current state licenses and shall comply with all applicable state laws. When in use, all vehicles must carry a standard first aid kit and a fire extinguisher. (4-6-05)

03. Maintenance and Equipment Checklist. The contract provider shall have a vehicle maintenance and equipment checklist, which shall include a listing of all critical operating systems and equipment inspections, the date of the last inspection, and the type of service or action taken. All repairs required to critical operating systems, such as brakes, headlights, shall be made immediately. All worn or missing critical equipment shall be replaced immediately, such as tires, jacks, seat belts. (4-6-05)

205. TRANSPORTATION.

01. Transportation for Service Plan. It shall be the responsibility of the contract provider to provide all transportation associated with the juvenile offender's service implementation plan. The family may be relied upon to provide transportation for passes and some other community contacts as long as this does not present any undue risk or burden to the juvenile offender, family, or to the community. (4-2-08)

02. Transportation and Notification for Court Proceedings. It is the responsibility of the department to assure the juvenile offender's appearance in all court proceedings and to arrange transportation as indicated. It is the contract provider's responsibility to immediately notify the juvenile offender's juvenile services coordinator of court dates and appearances. Contract providers may provide transportation under this section in consultation with the juvenile services coordinator. (4-2-08)

03. Arrangements. Arrangements for transportation related to court appearances as well as related to transfer or release of juveniles from department custody shall be made between the contract provider and the department's regional transport coordinator located in the contract provider's region. This communication is facilitated through the juvenile services coordinator. (4-6-05)

04. Gender Specific Transportation. In all transport situations there must be at least one (1) assigned staff of the same gender as the juvenile offender being transported. (4-2-08)

05. Transport in Personal Vehicles. Juveniles in the custody of the Idaho Department of Juvenile Corrections shall not be transported in personal vehicles unless an emergency situation exists and is substantiated by documentation. (4-6-05)

206. JUVENILE RECORDS.

01. Case Management Documents. The contract provider shall maintain individual files on all juvenile offenders which shall include: (4-2-08)

- a.** Observation and assessment report provided by the department; (4-6-05)
- b.** A copy of the signed Referral Acceptance/Denial Form; (4-6-05)
- c.** Additional assessments, which must be kept separate; (4-6-05)
- d.** Service implementation plans as referred to in Subsection 271.01 of these rules; (4-6-05)
- e.** Progress reports as referred to in Subsections 271.07 and 271.08 of these rules; (4-6-05)
- f.** Progress Assessment/Reclassification documents; (4-2-08)
- g.** Incident reports as referred to in Subsections 262.02 and 262.03 of these rules; (4-6-05)
- h.** Court documents and dispositions; (4-6-05)
- i.** Professional correspondence; (4-6-05)

- j.** Clinical notes, which must be kept separate; (4-6-05)
- k.** Medical records, which must be kept separate; (4-6-05)
- l.** Educational records and school history, which must be kept separate; (4-6-05)
- m.** Identifying information and physical descriptions; (4-6-05)
- n.** Last known parent or guardian address and telephone number; (4-6-05)
- o.** Date of admittance and projected release from department custody; (4-6-05)
- p.** A copy of the written reintegration plan; and (4-6-05)
- q.** Records of juvenile offenders' earnings and restitution payments. (4-2-08)
- 02. Confidentiality.** (4-6-05)

 - a.** Sections 20-525 and 9-340(2)(b), Idaho Code, and Idaho Court Administrative Rule 32 provide for confidentiality, under certain conditions, of records that contain information about juvenile offenders. (4-2-08)
 - b.** All matters relating to confidentiality of juvenile offender files shall also comply with the federal Health Insurance Portability and Accountability Act (HIPAA) and 42 CFR Chapter 1, Sub-Chapter A, Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records." (4-2-08)
 - c.** Restricted clinical information, as defined, and education and medical records must each be filed separately and stored in a secured area. These file folders must be stamped "confidential" on the cover or outside folder. (4-6-05)
 - d.** For contract providers that serve sex offenders, individual treatment assignments, such as journals, detailed sexual histories, must be destroyed at the time the juvenile offender is transferred or released from the program. (4-2-08)
- 03. Automated Records.** Automated records shall include a procedure to ensure confidentiality and be in compliance with any state or federal privacy laws pertaining to those records. The procedure shall also include provisions for backing up automated records. (4-6-05)
- 04. Policies and Procedures.** The contract provider shall have written policies and procedures to address the confidentiality of juvenile offender records. In compliance with HIPAA's privacy regulations, written procedures shall designate a privacy officer who will: (4-2-08)

 - a.** Supervise the maintenance of identifiable personal health care information; (4-6-05)
 - b.** Serve as custodian of all confidential juvenile offender records; and (4-2-08)
 - c.** Determine to whom records may be released. (4-6-05)
- 05. Restrictions to Records Access.** (4-6-05)

 - a.** Access to personal health information shall be limited to: (4-6-05)

 - i.** Employees of the department and contract providers to the extent necessary to perform normal business functions, including health treatment, and other functions designed to maintain the good order, safety and security of the juvenile offenders or facility; (4-2-08)
 - ii.** Individuals participating in a staffing for a juvenile offender, who have a direct need to know the

information, and who are obligated to or promise to maintain the confidentiality of information disclosed. These individuals may include employees or representatives of law enforcement, the department, the contract provider, probation officer, medical or mental health professionals and other appropriate individuals; (4-2-08)

iii. Law enforcement members, emergency medical personnel, the Idaho Department of Health and Welfare and similar court or government officials, as necessary to perform their duties, and only if not otherwise prohibited by state or federal law or rule. (4-6-05)

b. Access to all other confidential juvenile offender records shall be limited to the following authorized persons: (4-2-08)

i. Staff authorized by the contract provider and members of the administrative staff of the contract provider's parent agency; (4-6-05)

ii. A parent or guardian or the juvenile offender, to the extent that disclosure is not privileged and is clinically appropriate; (4-2-08)

iii. Appropriate staff of the department; (4-6-05)

iv. Counsel for the juvenile offender with signed consent form; (4-2-08)

v. Judges, prosecutors, juvenile probation officers, and law enforcement officers, when essential for official business; (4-6-05)

vi. Individuals and agencies approved by the department to conduct research and evaluation or statistical studies; or (4-6-05)

vii. Schools, as appropriate. (4-6-05)

06. Withholding of Information. If the department or the contract provider believes that information contained in the record would be damaging to the juvenile offender's treatment or rehabilitation, that information may be withheld from the juvenile offender, parent, guardian, or others, except under court order. (3-29-10)

07. Retention of Juvenile Records. Educational, medical, and drug and alcohol records must be permanently retained. Contract providers shall have a written policy on the retention and disposal of records. At the time of transfer or release from department custody, all case management records must be forwarded to the juvenile offender's juvenile services coordinator. (4-2-08)

08. Requests for Information. Requests for information of any kind about juvenile offenders in department custody, following their release or transfer from a contract provider's program must be directed to the juvenile correctional center in Nampa. (4-2-08)

207. RELEASE FORMS.

01. Release of Nonmedical Information. The juvenile offender, parent or guardian, and department representative shall sign a release of information and consent form before information about the juvenile offender is released to any non-juvenile justice entity. A copy of the consent form shall be maintained in the juvenile offender's file at the program and in the case management file maintained by the department. (4-2-08)

02. Release of Medical Information. Release of medical information requires more specific authorization according to Section 320, of these rules. (4-6-05)

03. Minimum Information. The release of information and consent form shall, at a minimum, include the following: (4-6-05)

a. Name of person, agency or organization requesting information; (4-6-05)

- b.** Name of person, agency or organization releasing information; (4-6-05)
- c.** The specific information to be disclosed; (4-6-05)
- d.** The date consent form is signed; (4-6-05)
- e.** Signature of the juvenile offender and the parent or guardian; (4-2-08)
- f.** The signature of the person witnessing the juvenile offender's signature; and (4-2-08)
- g.** Effective and expiration dates. (4-6-05)

04. Document Reproduction. The contract provider agrees that no documents provided by the department shall be reproduced or distributed without the written permission of the department. (4-6-05)

208. JUVENILE OFFENDER PHOTOGRAPHS.

01. Limitations. No juvenile offender in the custody of the department shall be used in person or by photograph or any other visual image for the express purpose of any fund raising efforts. (4-2-08)

02. Department Authorization. Permission to release or use the photographs and any other visual image of juvenile offenders in the custody of the department shall require written authorization from the department director or designee. (4-2-08)

209. CONTRACT PROVIDER ADMINISTRATIVE RECORDS.

01. Documentation Retention. The contract provider shall document and retain documentation of all information related to the following items: (4-6-05)

- a.** Program consultation provided at the facility, such as technical assistance on program design and implementation; (4-6-05)
- b.** Training provided to staff; (4-6-05)
- c.** All alleged instances of child abuse; (4-6-05)
- d.** Fiscal and program audits or reviews, including corrective actions required and taken; (4-6-05)
- e.** Reports of sexual abuse disclosures to Idaho Department of Health and Welfare or law enforcement; (4-2-08)
- f.** Juvenile offender and staff grievances; and (4-2-08)
- g.** Copies of all completed incident reports. (4-2-08)

02. Employee Files. Employee personnel files shall contain the following: (4-2-08)

- a.** Minimum qualifications for the job held; (4-2-08)
- b.** Hiring information; (4-2-08)
- c.** Copies of all required licenses or certificates related to the job function; (4-2-08)
- d.** Copies of academic credentials, driving record and criminal background checks, as required by state law; (4-2-08)
- e.** Current training records; and (4-2-08)

f. Annual performance evaluations and copies of personnel actions, such as disciplinary action taken and acknowledgements of outstanding performance. (4-2-08)

210. CLOTHING AND PERSONAL ITEMS.

01. Sufficient Clothing. Juvenile offenders shall have sufficient clothing of the proper weight to participate in activities included in their service implementation plan. Juvenile offenders may arrive at the facility with their own clothing and personal items, which shall be inventoried. If the juvenile offender does not have sufficient clothing, or appropriate clothing, the contract provider shall provide or purchase adequate and appropriate clothing for the juvenile offender. Contract providers shall not request nor require that the parent or guardian pay for or purchase clothing. (4-2-08)

02. Release from Facility. All clothing and incidentals become the property of the juvenile offender upon release from the facility. The contract provider will ensure the proper care and cleaning of clothing in the juvenile offender's possession. (4-2-08)

03. Replacement Clothing. Clothing provided or purchased as replacement will be at the expense of the contract provider. Unique items of clothing not required for program participation may be purchased at the expense of the juvenile offender. (4-2-08)

04. Clothing in Independent Living Programs. Contract provider must ensure that the juvenile offender has sufficient clothing as defined in Subsection 210.01 of these rules. The contract provider may require the juvenile offender to purchase clothing as part of the independent living program. Any requirement that the juvenile offender purchase clothing must be documented as part of the independent living program. (4-2-08)

211. FOOD SERVICE.

Juvenile offenders shall be served a varied and nutritional diet with menus approved or developed by a qualified nutritionist or dietician and which meet the recommended dietary allowances of the National Research Council or its equivalent. Juvenile offenders must be fed three (3) meals daily in accordance with the child care licensing rules of the Idaho Department of Health and Welfare. (4-2-08)

212. PERSONAL FUNDS.

01. Funds Handled by a Contract Provider. The contract provider will follow accepted accounting practices in managing personal funds of juvenile offenders and in accordance with Section 213 of these rules. (4-2-08)

a. A contract provider shall be required to deposit all personal funds collected for the juvenile offender in a public banking institution in an account specifically designated "Juvenile Personal Funds" and to maintain a reconciled ledger showing each juvenile offender's deposits and withdrawals within the "Juvenile Personal Funds" account. If the funds are collected in an interest bearing account, the interest accrued must be credited to the juvenile offender for whom the funds are collected. In independent living programs, the required personal account may be opened by the juvenile offender and will be maintained by the juvenile offender as a part of competency development. (3-29-10)

b. All withdrawals by a juvenile offender, or expenditures made on behalf of a juvenile offender by the contract provider, shall be documented, signed, and dated by the juvenile offender. This documentation shall be reconciled to the juvenile offender's ledger monthly. (4-2-08)

c. A contract provider may limit the amount of any withdrawal. (4-6-05)

d. A contract provider shall not require juvenile offenders, parents, or guardians to pay for services and supplies that are to be provided by the contract provider, such as clothing, toiletries, linen, laundry, drug screens, routine supplies, and lunch money, except where juvenile offenders are required to purchase these items as part of an independent living program. (4-2-08)

02. Reporting Requirements. A report shall be filed quarterly with the department's quality assurance staff as part of the report in Subsection 200.02 of these rules. The personal funds report shall show a list of all juvenile offender account balances, date of admission and, if appropriate, the date of transfer or release from department custody. The personal fund account is subject to review and audit by the department or its representatives at any time. Any discrepancies in juvenile offender accounts shall be resolved within fourteen (14) calendar days of notification. (4-2-08)

03. Transfer of Personal Funds. When a juvenile offender is released from department custody or transferred to another program, the balance of the juvenile offender's account shall be given to or mailed to the juvenile offender within five (5) business days and documented on the Contract Provider Juvenile Check-Out Form supplied by the department. (4-2-08)

04. Juvenile Offenders with Earned Income. The contract provider is responsible for maintaining and accounting for any money earned by a juvenile offender. These funds are to be deposited in the personal funds account. Additionally, there shall be a plan for the priority use of the juvenile offender's earned income to pay court ordered restitution and a specific allocation for daily incidental expenses. (4-2-08)

a. The contract provider shall establish a written plan for a juvenile offender in non-independent living programs for the juvenile offender to save at least ten percent (10%) of net earnings. The plan shall specify the purpose for which the funds saved will be used at program completion, such as paying deposits on utilities and housing or the purchasing of tools necessary for employment. (4-2-08)

b. The contract provider shall establish a written plan for a juvenile offender in independent living program, as part of the service implementation plan, for the juvenile offender's use of these funds. The plan shall specify how the funds will be used as part of the independent living program. (4-2-08)

213. RESTITUTION.

A contract provider may utilize a portion of a juvenile offender's personal funds or earned income for the payment of restitution to victims or for program damages according to these rules. (4-2-08)

01. Victim Restitution. Except for those juvenile offenders identified in Subsection 212.04 of these rules, victim and court ordered restitution shall be a claim against and paid from the juvenile offender's personal funds account in the amount of fifty percent (50%) of those funds. Should the juvenile offender have no other funds available, then a plan must be developed by the contract provider to assist the juvenile offender in earning the amount of restitution and, if appropriate, help him develop a payment plan. (4-2-08)

02. Restitution for Damages. Restitution for damages at the program will not be paid to the exclusion of victim or court ordered restitution. The contract provider shall not access the juvenile offender's account for program damages without following the disciplinary process provided in these rules. (4-2-08)

a. Restitution may be ordered as part of the disciplinary process when a juvenile offender has willfully damaged or destroyed property, has caused or attempted to cause injury to himself, other juvenile offenders or staff resulting in expenses being incurred, or has a pattern of falsely alleging injury or illness with the result that medical expenses are incurred. (4-2-08)

b. "Actual Cost" restitution may be imposed when property is destroyed and when an incident results in outside medical care for staff or juvenile offenders. (4-2-08)

c. In no instance shall a contract provider withdraw all funds in a juvenile offender's account to satisfy restitution for program damages. (4-2-08)

03. Disciplinary Process. All juvenile offenders shall be afforded an administrative hearing in accordance with the disciplinary procedure of the contract provider and standards set forth in these rules. (4-2-08)

214. NOTIFICATION OF DEATH OF A JUVENILE OFFENDER.

In the event of the death of a juvenile who is in the department's custody, the contract provider shall immediately notify the regional facility, juvenile offender's parent or guardian, the local coroner, and law enforcement. Other

notifications will be coordinated between the contract provider and the department. (4-2-08)

215. EMERGENCY CLOSURE OF FACILITY.

In the event of a natural disaster, fire, flood, or other emergency situation in which the contract facility may be closed temporarily, the contract provider will notify the regional facility in its respective region. (4-6-05)

216. PROHIBITED CONTACT AND PRISON RAPE ELIMINATION ACT COMPLIANCE (PREA).

01. Sexual Misconduct. The contract provider, in accordance with the PREA, shall have written policy and procedures that promote zero tolerance of sexual activity among juvenile offenders or between juvenile offenders and staff or volunteers, regardless of consensual status. The policy and procedures shall contain, at a minimum, the following provisions: (4-2-08)

a. The contract provider shall inform juvenile offenders of the means available to safely report rape and sexual activity and shall document this notice to juvenile offenders; (4-2-08)

b. The contract provider shall provide two (2) or more avenues for a juvenile offender to report rape and sexual activity; (4-2-08)

c. The contract provider shall have a process that requires reporting and documentation of any instance of sexual misconduct among juvenile offenders or between juvenile offenders and staff or volunteers, according to Subsection 262.02 of these rules; (4-2-08)

d. The contract provider staff shall treat all information regarding sexual misconduct with confidentiality; (4-2-08)

e. The contract provider shall have a process in place for an initial internal investigation when sexual misconduct is reported; (4-2-08)

f. The contract provider shall separate the accused from the juvenile offender, who was the subject of alleged sexual misconduct, until the investigation is complete; (4-2-08)

g. The contract provider shall document any and all steps taken to ensure the juvenile offender's safety; (4-2-08)

h. Contract provider shall report alleged, sexual misconduct to law enforcement for external investigation when sexual misconduct is suspected; (4-2-08)

i. Contract provider shall report all sexual misconduct to appropriate licensing authority when sexual misconduct is suspected; and (4-2-08)

j. The contract provider shall provide, at a minimum, one (1) hour of annual training for staff and juveniles concerning the zero tolerance for, detection of, and response to sexual misconduct with a juvenile offender, including criminal prosecution. (4-2-08)

02. Reporting of Sexual Misconduct. Acts of sexual misconduct shall be reported to the department on the form provided by the department. (4-2-08)

03. Survey on Sexual Violence. If the contract provider is identified to receive the yearly "Survey on Sexual Violence" from the Bureau of Justice Statistics, the contract provider shall complete and submit the survey and supply the department with copies. (4-2-08)

217. -- 219. (RESERVED).

220. CONSULTANTS AND SUBCONTRACTORS.

It is the responsibility of the contract provider to notify the department's quality assurance staff promptly, in writing, of any proposed changes in the use of consultants or subcontractors in the operations of a program. Any services

offered by consultants and subcontractors, or interns, and not included in the terms of the existing contract, require the prior approval of the department. It is the responsibility of the contract provider to ensure that any consultant, subcontractor, or staff meets at least the minimum staff qualifications and terms of the original contract and these rules. The contract provider shall maintain a list of subcontracted service providers, interns, and their qualifications. Documentation of services provided by subcontractors shall include the number of units of service provided per program area. (4-6-05)

221. STAFF QUALIFICATIONS.

01. Licenses. All individuals providing services to juveniles in the custody of the department must possess all licenses or certifications for their particular position as required by statute, rule, or by the Idaho Department of Health and Welfare, as applicable. (4-6-05)

02. Education or Experience. All individuals providing services must be qualified to do so on the basis of knowledge, skills, and abilities. In addition, certain program and professional caregivers must meet specific minimum standards for education or experience. These standards shall constitute, in part, the basis for determining the adequacy of program and professional services delivered under contractual agreement with the department. (4-6-05)

03. Position Descriptions. Contract providers shall maintain written position descriptions for every job class established in the organization. In all cases, minimum qualifications for professional level staff must meet licensure and certification requirements. In all cases, the particular job titles used by the contract provider to provide counseling, therapy, direct care, and supervision of juvenile offenders, as well as staff supervision and management, must be specifically cross-referenced with the job titles in these rules. (4-2-08)

222. POSITION DESCRIPTIONS AND QUALIFICATION CRITERIA.

01. Clinician, Counselor, or Therapist. An individual who conducts a comprehensive assessment of the psychological, behavioral, social, or familial deficits or dysfunctions presented by the juvenile offender, then establishes and implements a plan for therapeutic services. The plan must specify diagnosis and treatment of problems to be addressed, an estimate of the time needed, and a schedule of the frequency and intensity of the services to be provided. The individual may also provide individual, group, or family counseling. At a minimum, the individual must have a master's degree and be currently licensed by the state of Idaho as a Licensed Professional Counselor (LPC), Licensed Marriage and Family Counselor (LMFT), Licensed Master Social Worker (LMSW), or certified school psychologist. (4-2-08)

02. Juvenile Services Coordinator or Social Worker. An individual who is responsible for the assessment of treatment progress, and the provision and monitoring of therapeutic or rehabilitative treatment services to juvenile offenders participating in a treatment program. Individuals providing this function must possess at a minimum, a bachelor's degree from a fully accredited college or university in social work, psychology, or counseling and must be licensed as a social worker in the state of Idaho. (4-2-08)

03. Recreational Specialist. An individual who develops and implements an individualized and goal-directed recreational plan for a juvenile offender in connection with the overall service implementation plan. The individual providing this function must possess a bachelor's degree in recreational therapy, health and physical education, or a related field, or have a high school diploma and two (2) years related experience in providing recreational services to juvenile offenders. (3-29-10)

04. Rehabilitation Specialist or Case Manager. An individual, under direct supervision, who assists the juvenile offender in implementing the service implementation plan, evaluates the juvenile offender, and maintains the case record with respect to all nonclinical matters. The rehabilitation specialist or case manager also assists in presenting the case in staffing, communicates with appropriate individuals, including community interests, regarding the juvenile offender, and prepares written communications, under supervision, including discharge reports. The rehabilitation specialist or case manager may also serve as the social worker if properly licensed in the state of Idaho. Individuals providing this function must possess, at a minimum, a bachelor's degree from a fully accredited college or university in the social sciences or a related field. (3-29-10)

05. Rehabilitation Technician or Direct Care Worker. An individual who is responsible for providing individual or group rehabilitative therapeutic services, supervising juvenile offenders' day-to-day living activities and performing such duties as preparing nutritious meals, supervising and training juvenile offenders in basic living skills, and providing some community transportation. Such individual must have a high school diploma or its equivalent. (4-2-08)

06. Special Education Teacher. An individual who provides a modified curriculum for those students who are eligible for services under the IDEA. This individual must hold a valid standard exceptional child certificate with an endorsement as a generalist. (4-2-08)

07. Teacher. An individual who provides basic educational services as required by state and federal statutes. This individual must hold a valid teaching credential in the appropriate instructional field. (4-2-08)

223. PROGRAM STAFFING REQUIREMENTS.

01. General Staffing Ratios. The contract provider shall ensure that an adequate number of qualified staff are present at all times to provide rehabilitation and treatment services, supervise juvenile offenders, and provide for their health, safety and treatment needs. Staffing patterns shall ensure that professional staff is available to juvenile offenders at times when they are in the program or facility. The contract provider staff should provide consistency and stability so that the juvenile offenders know the roles of each staff member. Specific staffing ratios shall be determined in each contract and shall be based on the level of intervention of the program and the risk level of the juvenile offender population. (4-2-08)

02. Emergency Staffing Ratios. At all times at least one (1) staff member on duty per twenty (20) juvenile offenders in residence must be currently certified to administer first aid and cardiopulmonary resuscitation (CPR). (4-2-08)

224. GENERAL REQUIREMENTS FOR TRAINING.

01. Training Plan. Training for staff shall be conducted in accordance with a written plan approved by management and coordinated by a designated staff member. The training plan shall include: (3-29-10)

a. Annual in-service training for all staff to include, but not be limited to: (3-29-10)

i. Identifying and responding to suicide risk; (3-29-10)

ii. Prison Rape Elimination Act and applicable policies and procedures; (3-29-10)

iii. Prohibition of abuse and mandatory reporting of abuse; (3-29-10)

iv. De-escalation of juvenile behavior and appropriate physical restraint techniques; and (3-29-10)

v. Incident reporting. (3-29-10)

b. Those areas of practice and operations requiring a current certification; (3-29-10)

c. Prior to being assigned sole responsibility for supervision of juvenile offenders, rehabilitation technicians or direct care staff shall have training in the following areas: (4-2-08)

i. Principles and practices of juvenile care and supervision; (4-6-05)

ii. Program goals and objectives; (4-6-05)

iii. Juvenile offender rights and grievance procedures; (4-2-08)

iv. Procedures and legal requirements concerning the reporting of abuse and critical incidents and compliance with the PREA; (4-2-08)

- v. Handling of violent juvenile offenders (use of force or crisis intervention); (4-2-08)
- vi. Security procedures (key control, searches, contraband); (4-6-05)
- vii. Medical emergency procedures, first aid, and CPR; (4-6-05)
- viii. Incident reporting; (4-6-05)
- ix. How to recognize and respond to suicidal behavior; (4-6-05)
- x. How to access emergency health and mental health care; (4-6-05)
- xi. Proper storage and dispensing of medications, as well as general signs and symptoms of adverse reactions, including identification of the individual who will dispense medications in the facility; (4-6-05)
- xii. Appropriate response to health-related emergencies; (4-6-05)
- xiii. Ethics; and (3-29-10)
- xiv. Appropriate and safe transportation of all juvenile offenders. (3-29-10)
- d.** In-service training for all first-year staff shall include: (4-6-05)
 - i. Program policies and procedures; (4-6-05)
 - ii. Job responsibilities; (4-6-05)
 - iii. Juvenile offender supervision; (4-2-08)
 - iv. Safety and security emergency procedures (fire, disaster, etc.); (4-6-05)
 - v. Confidentiality issues including the Health Insurance Portability and Accountability Act of 1996 (HIPPA); (3-29-10)
 - vi. Juvenile offender rights and grievance procedures; (4-2-08)
 - vii. Communicable diseases, bloodborne pathogens, and universal precautions; (4-6-05)
 - viii. Behavioral observation, adolescent psychology and child growth and development; (4-6-05)
 - ix. Effective interventions with juvenile offenders including criminogenic risk and need factors; (4-2-08)
 - x. Juvenile Corrections Act, balanced and restorative justice, and department rules for contract providers; (4-6-05)
 - xi. Basic security procedures; (4-6-05)
 - xii. Signs and symptoms of chemical use or dependency; (4-6-05)
 - xiii. Drug-free workplace; (3-29-10)
 - xiv. Diversity training to include cultural awareness; and (3-29-10)
 - xv. Juvenile offender pat-down searches and visual inspections for contraband. (3-29-10)

02. Minimum Mandatory Staff Training Requirements. Good professional practice in the area of juvenile offender treatment requires staff to be competently trained. Therefore, all staff is required to have: (4-2-08)

a. Eighty (80) hours of training for all staff during first year of employment. Up to twenty-five percent (25%) of the eighty (80) hours may be fulfilled by working with an experienced staff mentor, who must verify and document basic competencies for new staff; and (4-6-05)

b. Forty (40) hours of training per year following the first year of employment. (4-6-05)

03. Trainer Qualifications. (4-6-05)

a. Individuals who provide instruction in areas of life, health, and safety, including but not limited to, first aid, CPR, physical intervention techniques, shall have appropriate certification which must be documented in their personnel or training file. (4-6-05)

b. Individuals who provide instruction in treatment shall have appropriate training, education, and experience which must be documented in their personnel or training file. (4-6-05)

04. Documentation of Training. Staff training records shall be kept by a designated staff person. Separate training records shall be established for each staff member and volunteer and shall include: (4-6-05)

a. Name; (4-6-05)

b. Job title; (4-6-05)

c. Employment beginning date; (4-6-05)

d. Annual training hours required; and (4-6-05)

e. A current chronological listing of all training completed. (4-6-05)

05. Training Records. Training records may be kept separately within each individual personnel file or in a separate training file. Copies of curriculum materials must be maintained. (4-6-05)

225. VOLUNTEERS.

Programs should consider soliciting the involvement of volunteers to enhance and expand their services. However, volunteers recruited to supplement and enrich a program, may not be substituted for the activities and functions of facility staff. Volunteers shall not be assigned sole supervision of juvenile offenders. (4-2-08)

226. VOLUNTEER PLAN.

01. Written Plan. Programs that utilize volunteers regularly shall have a written plan that includes stipulations for their use and training. Training provided must include all of the information necessary for the volunteers to successfully perform their roles within the program. (4-6-05)

02. Recruitment. Recruiting of volunteers is conducted by the chief administrative officer or designee. Recruitment is encouraged from all cultural and socio-economic segments of the community. (4-6-05)

03. Volunteer Requirements. (4-6-05)

a. Volunteers must be at least twenty-one (21) years of age, of good character, and sufficiently mature to handle the responsibilities involved in the position; (4-6-05)

b. Volunteers must complete an application for the position and be suited for the position to which they are assigned; (4-6-05)

c. Volunteers must agree in writing to abide by all program policies; (4-6-05)

- d. Volunteers who perform professional services must be licensed or certified as required by state law or rule; (4-6-05)
- e. Written job descriptions must be provided for each volunteer position; and (4-6-05)
- f. Volunteers must agree to background and criminal record checks as prescribed by state law. (4-6-05)
- g. Minimum training for volunteers must include the following: (3-29-10)
 - i. Program goals and objectives; (3-29-10)
 - ii. The role of the volunteer and job duties; (3-29-10)
 - iii. Volunteer's role in reporting incidents of sexual misconduct under PREA; (3-29-10)
 - iv. Basic security procedures; (3-29-10)
 - v. Recognizing suicidal behaviors; (3-29-10)
 - vi. Confidentiality issues including the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and (3-29-10)
 - vii. Ethics and mandatory reporting of juvenile abuse. (3-29-10)

04. Supervision. Volunteers will be supervised by a paid employee of the contract provider. This individual shall coordinate and direct the activities of the volunteer. Volunteer performance shall be evaluated periodically and evidence of this evaluation be made part of the personnel record of the volunteer. (4-6-05)

05. Documentation. Contract provider shall maintain individual personnel files for each volunteer working in the program. The files shall contain all documentation as described in Subsection 226.03 of these rules. (4-6-05)

06. Termination. There will be a procedure established for the termination of volunteers when substantial reasons for doing so exist. (4-6-05)

227. INTERNS.

Programs should consider involving interns to enhance and expand their services. However, interns recruited to supplement and enrich a program, may not be substituted for the activities and functions of facility staff. Interns shall not be assigned sole supervision of juvenile offenders. (4-2-08)

01. Written Plan. Programs that utilize interns regularly shall have a written plan that includes stipulations for their use and training. Training provided must include all of the information necessary for the interns to successfully perform their roles within the program. (4-6-05)

02. Intern Requirements. (4-6-05)

a. Interns must be documented to be enrolled in an accredited school or program for the profession, must be at least twenty-one (21) years of age, of good character, and sufficiently mature to handle the responsibilities involved in the position; (4-6-05)

b. Interns must have a fully developed internship or practicum agreement which details their activities for the period, and relates these to learning objectives developed with the academic institution and program in which they are enrolled. The internship agreement must include the signatures of the intern, supervising contract provider staff, and a representative of the academic institution in which the intern is enrolled. (4-6-05)

c. Interns must agree in writing to abide by all policies and standards of conduct, and must agree to meet the ethical standards for the profession for which they are training; (4-6-05)

d. Interns who perform professional services must be licensed or certified as required by state law or rule, or must be documented to be supervised directly by staff meeting those credentials; (4-6-05)

e. Interns must agree to background and criminal record checks as prescribed by state law. (4-6-05)

f. Minimum training for interns must include the following: (3-29-10)

i. Program goals and objectives; (3-29-10)

ii. The role of the intern and duties related to the learning plan; (3-29-10)

iii. Intern's role in reporting incidents of sexual misconduct under PREA; (3-29-10)

iv. Basic security procedures; (3-29-10)

v. Recognizing suicidal behaviors; (3-29-10)

vi. Confidentiality issues including the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and (3-29-10)

vii. Ethics and mandatory reporting of juvenile abuse. (3-29-10)

03. Supervision. An intern will be supervised by a paid employee of the contract provider who has the licenses and credentials required by state law and who has been accepted by the intern's school as an appropriate supervisor for the discipline of instruction. This individual shall coordinate and direct the activities of the intern. Intern performance shall be evaluated periodically and evidence of this evaluation made part of the work record of the intern. (4-6-05)

04. Documentation. Contract provider shall maintain individual personnel files for each intern working in the program. The files shall contain all documentation as described in Subsection 227.02 of these rules. (4-6-05)

05. Termination. There will be a procedure established for the termination of interns when substantial reasons for doing so exist. (4-6-05)

228. CRIMINAL BACKGROUND CHECKS.

All contract providers providing services to the department shall ensure that all employees, interns, and volunteers, as required by law, have undergone a criminal background check in the manner and form required by IDAPA 16.05.06, "Criminal History Checks and Background Checks." In addition to the crimes listed resulting in unconditional denial, any crime not specified there that requires registration on the sex offender registry in Idaho or any other state, will also result in an unconditional denial of employment for direct care or services, or where the employee would have any opportunity to have contact with a juvenile offender in the contract provider's care. Documentation of appropriate requests and responses shall be kept in confidential employee personnel files. (4-2-08)

229. DRIVERS.

All drivers of vehicles transporting a juvenile offender must possess a valid Idaho driver's license and the proper licenses required by state law for the type of motor vehicle operated. All such operators' driving records must be checked through the Department of Motor Vehicles for the preceding three (3) years and annually after date of hire. During that time, the operator must not have had any felony traffic convictions or withheld judgments. Any incidents of suspended licenses during that time must be specifically reviewed by the contract provider. Personnel files must contain evidence of training to transport a juvenile offender as well as other appropriate documentation. When parents, guardians, or others are allowed to transport a juvenile offender for any reason, it is the responsibility of the contract provider to ensure that the individual holds a current and valid driver's license. (4-2-08)

230. -- 239. (RESERVED).

240. JUVENILE OFFENDER RIGHTS AND RESPONSIBILITIES.

01. Contract Provider Obligations. The contract provider must observe, and not infringe upon, the rights of each juvenile offender in its facility or program. The contract provider shall also be responsible for understanding the rights and responsibilities of juveniles in custody, and knowing which rights have been forfeited as a result of being placed in custody. (4-2-08)

02. Religious Services and Special Needs. The juvenile offender and family will be advised in writing of the obligation of the contract provider to allow access to appropriate religious services, and to make reasonable accommodations for any disabilities, language barriers, or other special needs. A signed copy of this notice shall be placed in the juvenile offender's file. (3-29-10)

03. Juvenile Offender Program Responsibilities. The contract provider shall inform each juvenile offender, upon admission to its program, of each juvenile offender's responsibilities during the program. Additionally, each juvenile offender shall have an understanding of the following program expectations: (3-29-10)

- a. Requirements needed to complete program; (4-6-05)
- b. How to access medical services; (4-6-05)
- c. How to file a grievance; (4-2-08)
- d. How to report incidents of sexual misconduct between juvenile offenders or between staff and juvenile offenders; and (4-2-08)
- e. How to contact the juvenile services coordinator and juvenile probation officer. (3-29-10)

241. DISCIPLINE OF JUVENILE OFFENDERS.

01. Written Policies and Procedures. All providers offering treatment services shall have comprehensive written discipline policies and procedures, which shall be explained to all juvenile offenders, families, and staff. These policies shall include positive responses for appropriate behavior. They shall include a provision for notice to the juvenile offender being disciplined, a mechanism for a fair and impartial hearing by a disciplinary board, and a process for appeal. (4-2-08)

02. Problem Resolution. Disciplinary actions are not the same as the consequences that are spelled out as a part of a service implementation plan for the juvenile offender. A contract provider shall make every effort to resolve problems with the least amount of formal disciplinary activity possible. Efforts should be made first to instruct and counsel the juvenile offender. Any restriction of a juvenile offender's participation in a program resulting from a formal disciplinary action must be reported in an incident report. (4-2-08)

242. FORMAL DISCIPLINARY PROCESS.

01. Prior to and upon Initiating a Formal Disciplinary Action. Prior to and upon initiating a disciplinary action, careful attention should be given to the program rules to determine the seriousness of the misbehavior and the appropriate type of discipline. (4-6-05)

02. Control of Juvenile Offenders. Staff will make every effort to maintain control of juvenile offenders through positive methods. (4-2-08)

03. Discipline. Discipline will be administered in a way to create a learning experience for the juvenile offender, and never in a way that degrades or humiliates a juvenile offender. (4-2-08)

04. Other Juvenile Offenders. No juvenile offender shall supervise nor carry out disciplinary actions over another juvenile offender. (4-2-08)

05. Prohibited Actions. The contract provider is prohibited from using certain actions as disciplinary responses as listed in the child care licensing rules of the Idaho Department of Health and Welfare. (4-6-05)

06. Denial of Services. Denial of the following are prohibited as disciplinary responses: (4-6-05)

a. Educational and vocational services; (4-6-05)

b. Employment; (4-6-05)

c. Health or mental health services; (4-6-05)

d. Access to family, juvenile probation officer, and legal counsel; and (4-6-05)

e. Religious services. (4-6-05)

243. APPEAL OF FORMAL DISCIPLINARY PENALTIES.

Each contract provider shall have a formal written process through which a juvenile offender can appeal a disciplinary action and receive a review of the case. The contract provider shall explain to the juvenile offender how to use the appeal process. The juvenile offender must be informed that the juvenile services coordinator may be included in the disciplinary process at the juvenile's choice. (3-29-10)

244. ROOM RESTRICTIONS.

The contract provider shall have written policies and procedures regulating the use of the juvenile offender's room for "room restriction." The policy shall ensure that there are procedures for recording each incident involving the use of restriction. The reason for the room restriction shall be explained to the juvenile offender who shall have an opportunity to explain the behavior. Other less restrictive measures must have been applied prior to the room restrictions. A juvenile offender in room restriction shall have access to the bathroom. Staff shall check on a juvenile offender in room restriction a minimum of once every fifteen (15) minutes. Room restriction may only be used in an unlocked area. Room restriction shall not exceed a total of eight (8) hours within a twenty-four (24) hour period. Contract providers must ensure that a juvenile offender with a history of depression or suicidal ideation and those who have exhibited these behaviors while in care, are checked at least every five (5) minutes in order to ensure safety. Even more frequent or constant observation must be maintained if any level of suicide risk is determined to be present at any time during room restriction. All items in the area that might be used to attempt self-harm should be restricted or removed. (3-29-10)

245. BATTERY ON STAFF.

All instances of battery committed on staff shall be documented and, whenever appropriate, charges filed with the appropriate authorities. Each such incident shall be reported to the juvenile offender's juvenile services coordinator as an incident report according to Subsection 262.02 of these rules. (4-2-08)

246. GRIEVANCE PROCEDURES.

01. Written Procedures. Each program shall have a written grievance procedure for juvenile offenders, which includes the right to appeal disciplinary actions against them if a separate disciplinary grievance procedure is not available. It shall be written in a clear and simple manner and shall allow juvenile offenders to make complaints without fear of retaliation. (4-2-08)

02. Grievance Forms. The grievance procedure shall be explained to the juvenile offender by a staff member who shall enter a note into the juvenile offender's file confirming the explanation. Grievance forms shall be in a location accessible to juvenile offenders without having to request such a form from staff. Completed forms should be placed in a secure area until collected and processed weekly. A copy of the grievance and the resolution of that grievance must be attached to the quarterly report as specified in Subsection 200.02 of these rules. (4-2-08)

247. LETTERS.

01. Restrictions. Juvenile offenders shall be allowed to send and receive letters from approved

persons, which may include persons in other programs or institutions, unless specifically prohibited by the department or by court order. All other restrictions of mail must be discussed with the community treatment team, approved in writing by the juvenile services coordinator, and documented in the juvenile offender's service implementation plan. There shall be no general restrictions on the number of letters written, the length of any letter, or the language in which a letter may be written. However, juvenile offenders will be provided with sufficient stationery, envelopes, and postage for all legal and official correspondence, and for at least two (2) personal letters each week.

(4-2-08)

02. Inspection of Outgoing Letters. (4-6-05)

a. Outgoing letters are to be posted unsealed and inspected for contraband. (4-6-05)

b. Exception: Outgoing "privileged" mail may be posted, sealed and may not be opened, except with a search warrant, as long as it can be confirmed to be to an identifiable source. For purposes of this rule, "an identifiable source" means that the official or legal capacity of the addressee is listed on the envelope and that the name, official or legal capacity, and address of the addressee have been verified. Possible identifiable sources are the following: (4-2-08)

i. Court(s); (4-6-05)

ii. Attorney(s); (4-6-05)

iii. Juvenile services coordinator, or director of the Idaho Department of Juvenile Corrections; (4-6-05)

iv. Other state and federal departments, agencies and their officials; and (4-6-05)

v. Members of the press. (4-6-05)

c. Upon the determination that the mail is not identifiable as privileged mail, said mail shall be opened and inspected for contraband. (4-6-05)

03. Inspection of Incoming Letters. All incoming letters must be opened by the juvenile offender to whom it is addressed and may be inspected for contraband by staff and only in the juvenile offender's presence. (4-2-08)

04. Reading of Letters. Routine reading of letters by staff is prohibited. The department or court may determine that reading of a juvenile offender's mail is in the best interest of the juvenile offender, and is necessary to maintain security, order or program integrity. However, such reading of mail must be documented and unless court ordered, must be specifically justified and approved by the juvenile services coordinator. Under no circumstances shall a juvenile offender's privileged mail be read. (4-2-08)

248. PACKAGES.
All packages shall be inspected for contraband. (4-6-05)

249. PUBLICATIONS.
Books, magazines, newspapers and printed matter which may be legally sent to juvenile offenders through the postal system shall be approved, unless deemed to constitute a threat to the security, integrity, or order of the programs. Juvenile offenders will not be allowed to enter into subscription agreements while in department custody. (4-2-08)

250. DISTRIBUTION OF MAIL.
The collection and distribution of mail is never to be delegated to a juvenile offender. Staff shall deliver mail within twenty-four (24) hours, excluding weekends and holidays, to the juvenile offender to whom it is addressed. (4-2-08)

251. VISITATION.
The contract provider shall develop written rules governing visiting at the facility and shall provide a copy to each juvenile offender, parent or guardian, and the juvenile services coordinator. Visitation policy must include specific restrictions on those under the influence of alcohol or drugs. In all cases, the contract provider will work with the

juvenile services coordinator and juvenile probation officer to identify and approve potential visitors in accordance with the contract provider's criteria. The contract provider is responsible for developing and implementing policy concerning visitation which protects the safety of visitors, staff, and juvenile offenders. This may restrict visitation below an established age or provide for higher levels of supervision in circumstances where safety may be at risk. (3-29-10)

252. PERSONAL SAFETY.

01. Responsibility. Every juvenile offender has the fundamental right to feel safe. Contract providers have the responsibility to ensure that a juvenile offender is safe while in their care. Every juvenile offender shall be informed of procedures whereby a professional staff person can be contacted on a twenty-four (24) hour basis if the juvenile offender does not feel safe. (4-2-08)

02. Periodic Contacts. The contract provider's managers should make periodic contact with juvenile offenders in the program to determine if they feel safe and are comfortable when interacting with peers and staff. (4-2-08)

253. SMOKING AND SALE OF CIGARETTES.

01. Purchase or Use. Juveniles in department custody, regardless of age, are strictly prohibited from purchasing or using tobacco products. (4-6-05)

02. Written Policies. Every contract provider shall establish written policies and procedures banning the use of cigarettes and other tobacco products by juvenile offenders at the facility. (4-2-08)

254. RESEARCH.

01. Written Policies. Residential and nonresidential programs shall have written policies regarding the participation of juvenile offenders in research projects. Policies shall prohibit participation in medical or pharmaceutical testing for experimental or research purposes. (4-2-08)

02. Voluntary Participation. Policies shall govern voluntary participation in nonmedical and nonpharmaceutical research programs. However, juvenile offenders shall not participate in any research program without prior written approval from the director or designee. (4-2-08)

255. -- 259. (RESERVED).

260. PROGRAMMING.

01. Basic Program Requirements. Contract providers offering residential and nonresidential programs for juvenile offenders must provide opportunities and services for juvenile offenders to improve their educational and vocational competence, to effectively address underlying behavior problems, and to prepare them for responsible lives in the community. Programs provided must be research-based, gender equitable, gender specific, and culturally competent. The ultimate treatment goal for juvenile offenders involved in these programs is the successful return of juvenile offenders to the community without committing further crimes. (4-2-08)

02. General Requirements. (4-6-05)

a. Contract providers must provide a range of program services specifically designed to address the characteristics of the target population identified in the comprehensive program description and in the admission policy. (4-6-05)

b. Programs that serve a special needs population, such as developmentally delayed or seriously emotionally disturbed juvenile offenders, and those programs serving sexually abusive juvenile offenders, must be able to demonstrate that the program services offered are supported by research. (4-2-08)

c. Programs serving female juvenile offenders must be able to demonstrate that the services provided

include elements of a program specific to the unique situations and circumstances facing female juvenile offenders. These elements must be clearly identified and described within the program description. (4-2-08)

d. Programs designed to serve juvenile offenders with gang involvement must be able to demonstrate that the services provided include elements of a program specifically designed to address gang involvement. These elements must be clearly identified and described within the program description. (4-2-08)

e. Program services for individual juvenile offenders must be designed based upon a documented assessment of strengths, as well as needs and risks, and must target those behaviors or circumstances which have contributed to the juvenile's delinquency and which can reasonably be changed (criminogenic needs). These services must be clearly identified and described within the program description. (4-2-08)

f. Professional level services offered as a part of the program must be provided by staff meeting the requirements set forth in Sections 220 through 222, of these rules. (4-6-05)

g. Progress made by individual juvenile offenders in each service area, that is a portion of the service implementation plan, must be documented in at least monthly progress notes and reported in written progress reports at least every two (2) months. (4-2-08)

h. Programs that contract with the department to serve juvenile offenders and their families must: (4-2-08)

i. Provide humane, disciplined care and supervision; (4-6-05)

ii. Provide opportunities for juvenile offenders' development of competency and life skills; (4-2-08)

iii. Hold juvenile offenders accountable for their delinquent behavior through means such as victim-offender mediation, restitution, and community service; (4-2-08)

iv. Seek to involve juvenile offenders' families in treatment, unless otherwise indicated for the safety and benefit of the juvenile offenders or other family members; (4-2-08)

v. Address the principles of accountability to victims and to the community, competency development, and community protection in case planning and reporting; (4-6-05)

vi. Participate fully with the department and the community treatment team in developing and implementing service plans for juvenile offenders they serve; (4-2-08)

vii. Provide juvenile offenders with educational services based upon their documented needs and abilities; and (4-2-08)

viii. To the fullest extent possible, provide balance in addressing the interests of the victim, community, and the juvenile offender. (4-2-08)

i. Reintegration services include all aspects of case planning and service delivery designed to facilitate successful return of the juvenile offender to the community. All juveniles committed to the department shall have a written reintegration plan developed as a part of their service implementation plan. (4-2-08)

03. Comprehensive and Current Program Description. Contract providers must provide, and keep current with the department, a program description detailing the range of services to be provided and the methods for providing these services. The current program description will be attached to the contract. At a minimum, this program description must include: (4-6-05)

a. Target population and specific admission criteria; (4-6-05)

b. Primary and secondary treatment modalities; (4-6-05)

- c.** Outline of daily schedules for juvenile offenders and staff; (4-2-08)
- d.** Description of educational services provided, including full compliance with all applicable federal and state law and rules for special education and Title I services; (4-2-08)
- e.** Description of emergency and routine health and mental health services, including psychotropic medication monitoring, unless this population is specifically excluded from admission to the program; (4-2-08)
- f.** Description of religious services, recreation services, and other specialized services provided as indicated by the needs of the identified target population; (4-2-08)
- g.** Plans for the use of volunteers to provide for support elements of the program; (4-6-05)
- h.** Written criteria for successful completion of the program and written criteria for termination from the program prior to completion; (4-6-05)
- i.** A thorough description of all services offered as a part of the program, including a description of the frequency of service delivery, and accounting for the costs of all services provided by consultants and subcontractors; (4-6-05)
- j.** A detailed description of each individual treatment intervention or service area provided, such as treatment group, psycho-educational group, cognitive restructuring group, and peer group including: (4-2-08)

 - i. The total length of the specific treatment intervention or service area; (4-2-08)
 - ii. The overall goals of the treatment intervention or service area; (4-2-08)
 - iii. The number of sessions in the treatment intervention or service area; (4-2-08)
 - iv. The average length of each session; (4-2-08)
 - v. The facilitator education and training requirements; (4-2-08)
 - vi. The specific curriculum used in the treatment intervention or service area; and (4-2-08)
 - vii. The number of hours per week an individual juvenile offender will participate in the treatment intervention or service area. (4-2-08)
- k.** A detailed description of the behavior management component of the program; and (4-6-05)
- l.** A copy of any memoranda of understanding with the local educational agency for providing educational services. (4-2-08)

04. Advance Notice of Program or Population Changes. Contract providers shall notify the department as soon as possible, but no later than thirty (30) calendar days, before there is a change in the name of the organization, type of service, characteristics of juveniles being served, changes in the licensed capacity of the facility, closure of the facility, changes in ownership or in the organizational structure. (4-6-05)

261. PROGRAM POLICY REQUIREMENTS.

- 01. Written Policies.** Programs must have, at a minimum, the following written policies concerning program operations available at the program site. (4-6-05)

 - a.** Program elements and implementation. (4-6-05)
 - b.** Admission policy describing the target population and criteria for admission, and identifying sources of referrals to the program. (4-6-05)

- c.** Criteria for assigning juvenile offenders to different units within the program, if applicable. (4-2-08)
- d.** The provision of (or referral for) emergency and routine health and mental health services for the population. (4-6-05)
- e.** The prevention and monitoring of suicidal behavior. The policy at a minimum shall require that: (4-6-05)

 - i.** A suicide risk screening be completed within no more than two (2) hours of a juvenile offender's admission into a facility. The screening is done to identify an immediate threat of suicide or self-harm and the need for a suicide risk assessment. Further, the screening is a system of structured and documented observation, interview and review of behavioral, medical, and mental health information. (4-2-08)
 - ii.** A suicide risk assessment, if appropriate, be completed by a mental health professional for the purpose of determining the level of immediate risk of a juvenile offender attempting suicide. A suicide risk assessment is a system of structured and documented observation, interview and review of behavioral and mental health information. It comprises a thorough review of recent behavioral and mental health information, interviews of staff and the juvenile offender concerning the behavior that seems to present the threat of self-harm or suicide and the development and dissemination of a safety plan to address the risk as it is determined to exist. A suicide risk assessment typically involves an assessment of the juvenile offender's determination to act on intentions of self-harm, a determination of the depth of planning for making the attempt, the availability of the items or situations necessary for him to act on that plan and the lethality of the plan as expressed. Reassessment of suicide risk is made at a time determined by the mental health professional completing the assessment and is ideally completed by that same mental health professional. (3-29-10)
- f.** Behavior management within the program, including use of points and levels, restraints, separation, detention and other types of special management. (4-6-05)
- g.** Supervision of juvenile offenders policy shall include managing juvenile offender movement within the program, including the timely transfer of behavioral information about juvenile offenders from staff at shift change. (4-2-08)
- h.** Juvenile offenders' access to the community policy shall include use of community schools or job sites, and individual or group activities away from the program site. For residential programs, this also includes individual community passes. (4-2-08)
- i.** Provision of educational and vocational services. (4-6-05)
- j.** Administrative coverage in emergency situations, after regular work hours (residential only). (4-6-05)
- k.** Documentation and reporting of critical incidents to program administrators, the department and others on the community treatment team. (4-6-05)
- l.** Treatment planning and progress reporting to the department, juvenile offender, family and others on the community treatment team. (4-2-08)
- m.** Reintegration policy shall describe criteria for successful completion of program, termination from program prior to completion, and the involvement of the department and community treatment team. (4-2-08)
- n.** Grievances. (4-6-05)
- o.** Visitation. (4-6-05)
- p.** Correspondence, including telephone and mail. (4-6-05)

- q.** Emergency procedures in the event of a natural disaster. (4-6-05)
- r.** Searches of staff and visitors. (4-6-05)
- s.** Contract providers shall have written policies and procedures prohibiting the sexual contact by any employee with a juvenile offender. (4-2-08)
- t.** Contract providers, in accordance with the PREA, shall have written policies and procedures that promote zero tolerance toward sexual misconduct with or among juvenile offenders in their care and zero tolerance toward the sexual assault of juvenile offenders by staff or by other juvenile offenders. (4-2-08)

02. Documented Staff Training. Documented staff training on these policies must also be available for review by the department. (4-6-05)

262. PROGRAM OPERATIONAL REQUIREMENTS AND CASE MANAGEMENT.

01. General Requirements. (4-6-05)

a. Programs should provide vigorous programming that minimizes periods of idle time, addresses behavioral problems of juvenile offenders, and teaches and promotes healthy life choices. Programs should specifically address those factors in juvenile offenders' lives that contribute to delinquency and that can be realistically changed. (4-2-08)

b. Programs must be open to the community by encouraging appropriate telephone and mail contact between juvenile offenders and their families, by encouraging visitation, and by involving volunteers in support of the program. (4-2-08)

c. Contract providers must structure and document services offered in the program so that continuity in case planning is obvious. Health, mental health, substance abuse, social skills, educational, vocational, independent living, and other special needs identified in the assessment must be clearly addressed in the service implementation plan. Services provided to address those needs must be documented regularly. Progress on goals associated with those needs must be recorded in progress notes in a case file at least monthly and in a written progress report at least every two (2) months. Service needs remaining at the time of release from department custody or transfer must be accounted for in the reintegration plan for each juvenile offender. (4-2-08)

d. Without authorization from the Idaho Department of Health and Welfare and the department, a residential care contract provider shall not admit more juveniles into care than the number specified on the provider's license. Contract providers wishing to increase capacity are responsible for contacting the Idaho Department of Health and Welfare. A copy of the written confirmation to the contract provider from the Idaho Department of Health and Welfare for verbal approval to exceed the licensed capacity shall be forwarded to the department's clinical supervisor in the region and to the department's quality assurance staff. (4-6-05)

e. Programs may not, under any circumstances, involve juvenile offenders in plethysmographic assessments. The use of polygraphs for juvenile offenders adjudicated for or documented to have demonstrated sexually abusive behavior, shall only be undertaken by court order or with the specific written authorization of the department's regional clinical supervisor, and then only with the full, informed consent of the juvenile offender, and if the juvenile offender is a minor, parent or guardian. Contract providers shall not make treatment decisions solely on the results of a polygraph. Polygraphers used in this process must be able to provide documentation of specific training in the use of polygraphy with sexually abusive juvenile offenders. (3-29-10)

02. Incidents Requiring Immediate Notice to Parent or Guardian and Department. All notifications under this Section shall be made to the regional facility in the region where the contract provider is located. Out-of-state contract providers shall notify the Region 2 facility. Contract providers must ensure that a detailed, written incident report is completed and signed by involved staff before the end of the shift during which the incident took place. If any of the following events occur, the contract provider must immediately notify the juvenile offender's parent or guardian, juvenile services coordinator, juvenile probation officer, and the department's regional

facility by telephone (not by facsimile). A written incident report shall also be transmitted within twenty-four (24) hours to the juvenile offender's parent or guardian, juvenile services coordinator, and the juvenile probation officer, unless notification to the juvenile offender's parent or guardian would endanger the juvenile. Transmission may be electronic or by facsimile. (4-7-11)

- a. Health and mental health emergencies including, but not limited to: (4-7-11)
 - i. Every instance of emergency room access; (4-7-11)
 - ii. Refusal of medications, treatment recommended by a physician, or food for two (2) days; (4-7-11)
- b. Major incidents such as death of a juvenile offender, suicide, attempted suicide or threat of suicide, attempted escape, sexual misconduct among juvenile offenders or by staff including, but not limited to, incidents reportable under PREA, criminal activity resulting in arrest, detention, or filing a report with local law enforcement, or any relevant report made to the Idaho Department of Health and Welfare; (3-29-10)
- c. Any incident of restraint which involves the use of medications, chemicals, or mechanical devices of any kind; (4-6-05)
- d. Incidents of alleged or suspected abuse or neglect of juvenile offenders; and (4-2-08)
- e. Incidents involving major disasters affecting location or well-being of the juveniles; (4-7-11)

03. Escapes Also Require Immediate Notice to Parent or Guardian and Department. In all instances of escape, the contract provider must immediately notify the juvenile correctional center in Nampa first, followed by the regional facility, juvenile offender's parent or guardian, juvenile services coordinator, and juvenile probation officer by telephone (not by facsimile). A written incident report shall also be transmitted within twenty-four (24) hours to the juvenile offender's parent or guardian, juvenile services coordinator, and the juvenile probation officer, unless notification to the juvenile offender's parent or guardian would endanger the juvenile offender. Transmission may be electronic or by facsimile. Upon apprehension, all of the same parties must be notified immediately. (4-7-11)

- a. Clothing and other personal belongings shall be secured immediately and maintained in a secure place until returned to the department. (4-6-05)
- b. The contract provider shall not transfer a juvenile offender at the time of an escape. The juvenile offender shall continue to be assigned to the program, although not physically present for up to forty-eight (48) hours. The program will be reimbursed for the days the juvenile offender was on escape status up to forty-eight (48) hours. Should the program choose to transfer the juvenile offender after returning, then the procedures outlined in Subsections 276.04 and 276.08, of these rules, shall apply. If the juvenile offender is apprehended, the contract provider shall contact the juvenile services coordinator to plan for transfer of the juvenile offender to a regional facility for an updated assessment and for a placement decision. (3-29-10)

04. Incidents Requiring Immediate Notice to Department and Ten Day Notice to Parent or Guardian. The following incidents require immediate notice to the department and other parties in the manner described in Subsection 262.02, and require notice within ten (10) days to parent or guardian of the juveniles involved. (4-7-11)

- a. Any use of separation or isolation for more than two (2) hours; (3-29-10)
- b. Incidents involving the disclosure of criminal behavior by juvenile offenders; (4-7-11)
- c. Instances of physical assault or fighting; (3-29-10)
- d. Major misconduct by one (1) or more staff against a juvenile offender; (4-7-11)

e. Discovery of contraband that represents an immediate threat to safety and security such as weapons or drugs; (4-7-11)

f. Other than incidents described in Paragraph 262.02.e., significant property damage resulting from misconduct, negligence, or from incidents such as explosions, fires, floods, or other natural disasters; and (4-7-11)

g. Any pattern of restraint of a juvenile, which is defined as three (3) or more restraints within a twenty-four (24) hour period. (4-7-11)

05. Incidents Requiring Notice Within Ten Days to the Department. (4-7-11)

a. Contract providers must ensure that a detailed, written incident report is completed and signed by involved staff before the end of the shift during which the incident took place. A copy of the completed incident report must be submitted to the juvenile services coordinator no later than ten (10) business days after the incident. (4-6-05)

b. A detailed incident report is also required for each incident of juvenile offender misconduct that is not reportable under Subsection 262.02 and results in any type of: (3-29-10)

i. Instances of lost keys, equipment, or tools; (4-7-11)

ii. Discovery of contraband not posing an immediate risk; or (4-7-11)

iii. A pattern of refusal of program participation that rises to the point of raising questions about the appropriateness of the placement; (4-7-11)

c. A detailed incident report is also required for each incident of staff misconduct relating to juvenile care that is not reportable under Subsection 262.02 and results in any type of: (3-29-10)

i. Any physical restraint that does not involve the use of medications, chemicals, or mechanical devices of any kind; or (4-7-11)

ii. Separation, isolation, or room confinement for less than two (2) hours. (4-7-11)

d. A detailed incident report is also required for each incident of staff misconduct relating to juvenile care that is not reportable under Subsection 262.02 and results in any type of: (4-7-11)

i. Suspension from work; (4-7-11)

ii. Termination from work; (4-7-11)

iii. Revocation or suspension of professional license; or (4-7-11)

iv. Revocation or suspension of driver's license of any staff who transports juveniles. (4-7-11)

06. Incident Report Content. Contract providers may elect to use the department's standard incident report form or may use another form as long as all of the following information is included: (4-6-05)

a. Juvenile offender's assigned unit; (4-2-08)

b. Date, location, and time of the incident; (4-2-08)

c. Witnesses and other staff and juvenile offenders involved; (4-2-08)

d. Persons notified with date and time of notice; (4-6-05)

e. Type of incident by category, such as assault on staff, assault on juvenile offender, injury or illness,

property damage, contraband, suicide attempt or threat, escape or attempted escape, or other misconduct; (4-2-08)

f. Action taken by category, such as physical restraint, separation, isolation, or room confinement with times in and out, suicide precautions, or escape precautions initiated; (4-6-05)

g. Brief narrative description of the incident; (4-6-05)

h. Signature of staff and reviewing supervisor, which may be affixed electronically; (3-29-10)

i. Documentation of injury and medical attention provided; and (4-2-08)

j. If the incident involves sexual misconduct, the incident report must include a description of action taken to: (4-2-08)

i. Keep the alleged victim(s) safe from intimidation of further abuse and maintain confidentiality; (4-2-08)

ii. Address any immediate trauma, either physical or emotional; (4-2-08)

iii. Address long-term medical or mental health needs related to the alleged abuse; (4-2-08)

iv. Notify responsible licensing, regulatory, and law enforcement agencies and preserve evidence; (4-2-08)

v. Conduct an internal investigation of the incident and as necessary request that an external investigation be completed; and (4-2-08)

vi. Prevent repetition of the abusive situation. (4-2-08)

07. Monitoring the Location of Juvenile Offenders. The contract provider must have and strictly follow a comprehensive policy covering the supervision of juvenile offenders, including a plan for monitoring all movement of those juvenile offenders both in the facility and, as appropriate, within the community. Staff at the facility must be aware of the location of every juvenile offender assigned to that program at all times. (4-2-08)

08. Nonresidential Absences. Nonresidential programs shall make reasonable efforts to ensure that the juvenile offenders attend their program daily or as otherwise specified in the service implementation plan. The nonresidential program shall inform the juvenile services coordinator of daily attendance and all attendance problems. This information must be documented in at least monthly progress notes and must be reported in written progress reports every two (2) months. (4-2-08)

263. FACILITY SEARCHES.

01. Periodic Searches. In order to ensure the safety of juvenile offenders, staff, and visitors, periodic facility searches for contraband shall be conducted. The frequency and extent of whole facility and ground searches should be consistent with program policies and can be included during other routine inspections or activities. Searches shall be conducted by staff trained in appropriate search techniques. Searches called by the facility staff do not have to include the entire facility, but can be limited to specific areas or juvenile offenders. Juvenile offenders' belongings shall be disturbed no more than necessary during the search. The search shall be documented in terms of who conducted the search, what areas were searched, and what type of contraband was found, if any. If a search yields contraband, the juvenile services coordinator will be notified and it shall be reported according to the requirements of the department. If necessary, the appropriate law enforcement agency should be notified. (4-2-08)

02. Policies and Procedures Governing Searches. The program shall have policies and procedures for conducting searches of juvenile offenders, staff, visitors, and all areas of the facility in order to control contraband or locate missing property. It is suggested that a sign be posted notifying visitors of the specific policy of the contract provider regarding searches. (4-2-08)

03. Policies and Procedures Governing Consequences. The contract provider shall have written policies and procedures establishing the consequences for juvenile offenders found with contraband. Juvenile offenders should acknowledge, with their signature, that they were informed of what constitutes contraband and also the consequences for its possession. (4-2-08)

04. Visitor Searches. (4-6-05)

a. Prior to visitors being allowed in the facility, they shall be given rules established by the contract provider that govern their visit and advised that they may be subject to a search. They shall sign a statement of receipt of these rules and it shall be placed in the facility's file. Visitors may be required to submit packages, handbags, and briefcases for inspection by trained staff. If there is reason to believe that additional searches are necessary, admission to the facility shall be denied. (4-6-05)

b. All visitor searches shall be documented in the facility log. When contraband is found, a written report shall be completed and submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency will be notified. (4-6-05)

264. CONTRABAND DISPOSAL.

All contraband found in the possession of juvenile offenders, visitors, or staff shall be confiscated by staff and secured under lock and key in an area inaccessible to juvenile offenders. Local law enforcement shall be notified in the event illegal drugs, paraphernalia, or weapons are found. It shall be the responsibility of the facility director, in consultation with the department, to dispose of all contraband not confiscated by police. Visitors who bring in items that are unauthorized, but not illegal, will have these items taken and locked in an area inaccessible to the juvenile offenders during the visit. These items will be returned to the visitors upon their exit from the facility. (4-2-08)

265. SEARCHES OF PERSONAL ITEMS.

Routine searches of suitcases or personal items being introduced into the facility will be conducted by facility staff prior to juvenile offenders taking possession of their property, or when the juvenile offender is returning to the facility from an individual community pass. Search of a juvenile offender's belongings may be done at any time and shall be minimally intrusive. All searches shall be documented in the facility log and, if contraband is found, a written incident report must be submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency shall be notified. (3-29-10)

266. PAT DOWN SEARCHES AND VISUAL INSPECTIONS FOR CONTRABAND.

01. Necessity. Pat down searches and visual inspections of juvenile offenders may be conducted whenever the contract provider believes it is necessary to discourage the introduction of contraband into the facility, or to promote the safety of staff, juvenile offenders, and visitors. A pat down search or visual inspections may be used when a juvenile offender is returning from a visit, or outside appointment, or activity. (3-29-10)

02. Pat Down Searches. Pat down searches shall be conducted in the manner required by the rules of the Idaho Department of Health and Welfare under IDAPA 16.06.02, "Standards for Child Care Licensing." Pat down searches of juvenile offenders will be conducted by staff of the same gender as the juvenile offender. Pat down searches will be conducted using the quadrant search method that consists of dividing the juvenile's body in four (4) quadrants and conducting a pat down search outside the juvenile's clothing on each quadrant. The staff member must have had appropriate training in conducting pat down searches. (3-29-10)

03. Visual Inspections. Body cavity searches of juveniles will not be performed by staff, interns, or volunteers under any circumstances. Looking into a juvenile's mouth does not constitute a body cavity search. Visual inspections beyond those performed during an initial search using the quadrant method may only be performed by staff with appropriate training. Visual inspection must be based upon a reasonable belief that the juvenile is concealing contraband. (3-29-10)

04. Documentation. All pat down searches and visual inspections shall be documented in the facility log. A written report shall be completed when contraband is found and shall be submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency shall be notified. (3-29-10)

267. JUVENILE OFFENDER STRIP SEARCHES PROHIBITED.

Strip searches of juveniles by staff, interns, or volunteers will not be performed under any circumstances. (3-29-10)

268. DRUG SCREENS OF JUVENILE OFFENDERS.

Drug screens may be done randomly or on an as needed basis at the contract provider's expense with the approval of the contract provider's director. A record shall be kept of all drug screens and results. A positive drug screen shall immediately be reported to the juvenile services coordinator supervising the case. (4-2-08)

269. USE OF FORCE OR PHYSICAL RESTRAINTS.

Contract providers, licensed by the Idaho Department of Health and Welfare, must ensure that all terms of the child care licensing rules of the Idaho Department of Health and Welfare are strictly followed. Additionally, licensed and non-licensed contract providers must ensure that: (4-2-08)

01. Minimal Use. Only the minimum level of force necessary to control a juvenile offender's destructive behavior shall be used. (4-2-08)

02. Physical Force. Physical force, at any level, may only be used to prevent injury to the juvenile offender or to others and to prevent serious damage to property or escape. Physical force shall never be used as punishment. (4-2-08)

03. Reporting Requirement. All instances of use of force must be documented in an incident report and submitted according to the terms of Subsection 262.02 and 262.04 of these rules. Incidents of inappropriate use of force must be reported to the Idaho Department of Health and Welfare, or law enforcement as required by law. (3-29-10)

270. DISPOSITION OF REFERRALS FROM THE DEPARTMENT.

A juvenile offender's admission into a program shall be based on an assessment of the juvenile offender's strengths, problems, risks and needs, and on the anticipated ability of the program to reasonably address those issues. Contract providers shall ensure that the juvenile offender and parent or guardian are provided an opportunity to participate in the admission process and related decisions. (4-2-08)

01. Accepting Referral. Upon receipt of a complete referral packet from the department, the contract provider has two (2) business days in which to decide whether to accept or decline the referral. Upon acceptance, the Referral Acceptance/Denial Form, attached to the referral packet, must be completed and signed. By accepting the referral, the contract provider agrees to address the identified treatment goals and the anticipated length of stay. Once the acceptance has occurred, the juvenile offender's transportation will be made. (4-2-08)

02. Declining Referral. Contract providers shall not, without just cause, deny admission to any juvenile offender who meets the specific admission criteria set forth in the program description. If a contract provider denies a referral, the specific reason for denial must be documented on the department's Referral Acceptance/Denial Form and the form returned to the regional referral coordinator. The contract provider shall then shred the referral packet. (4-2-08)

03. Change in Admission Criteria. Any change in the contract provider's admission criteria must be reflected in the admission policy and requires a written amendment to the contract with the department. Temporary exceptions are covered under Section 101, of these rules. (4-6-05)

271. ONGOING TREATMENT AND CASE MANAGEMENT.

Juvenile offenders must always be aware of the status of their progress within the program and what remains to be done to complete the program. Contract providers must assure that the basic norms and expectations of the program are clearly presented to the juvenile offender and that they are understood. Any points, levels or phases that are a fundamental part of a program must be clearly understood by the juvenile offender in the program. Each juvenile offender's progress, or lack of progress, through these levels must be clearly documented and must be related to documented behavior. Recommendations for release from department custody or transfer should be substantiated by a documented pattern of behavioral change over a period of time. Recommendations for transfer to a higher level of custody must be substantiated by a documented lack of progress over time, or by a serious or violent incident which threatens the safety of others or the stability of the overall program. (3-29-10)

01. Service Implementation Plan. Within thirty (30) calendar days of the juvenile offender's admission into the program, a written service implementation plan must be developed. The service implementation plan must address the specific goals identified in the service plan from the observation and assessment report. The service implementation plan should, at a minimum, address the following areas as indicated by need: (4-2-08)

- a. Health; (4-6-05)
- b. Mental health; (4-6-05)
- c. Substance abuse; (4-6-05)
- d. Social skills; (4-6-05)
- e. Education; (4-6-05)
- f. Vocations; (4-6-05)
- g. Independent living; (4-6-05)
- h. Other special needs; (4-2-08)
- i. Progress notes from the initial period of placement in the program; and (4-2-08)
- j. Reintegration plan. (4-2-08)

02. Family Involvement. Each juvenile offender and, to the fullest extent possible, the family should be involved in developing the service implementation plan, and in adjusting that plan throughout the course of commitment. (4-2-08)

03. Department Assessments. Assessments provided by the department shall not be repeated by the contract provider at the time of admission into the program without specific justification provided to the regional clinical supervisor. (4-6-05)

04. Service Implementation Plan Adjustments. The service implementation plan should be adjusted throughout placement with the concurrence of the juvenile services coordinator following communication with the community treatment team. Specifically, the service implementation plan should be adjusted as new needs are identified, as goals are achieved, and as plans for reintegration are finalized. (4-6-05)

05. Progress Notes. Monthly progress notes must be filed recording each juvenile offender's progress toward completing the service implementation plan. (4-2-08)

06. Education Plan. A copy of the juvenile offender's education plan shall be a component of the service implementation plan. This education plan shall include the juvenile offender's course of study (GED, secondary, post-secondary, etc.), long-term educational goals and short-term objectives, and shall comply with all state and federal laws. If the juvenile offender has been identified as eligible to receive services under Section 504 of the federal Rehabilitation Act of 1973 (Section 504) or the federal IDEA, a copy of the IEP, and supporting documentation shall be sent to the department's education manager at the juvenile correctional center in Nampa within ten (10) days from development. The education plan shall be updated and submitted yearly. Written educational progress (report cards) shall be submitted to the department's education manager at the juvenile correctional center in Nampa at the end of each school's grading period, e.g. quarter, semester, trimester, etc. (4-2-08)

a. Contract providers may choose to utilize the department's software program provided by the department for managing special education students' paperwork. (4-2-08)

b. If this option is selected, an e-mail to the education records manager at the juvenile correctional center in Nampa will be required stating that the required documents have been completed in the software program. It

will not be necessary to mail hard copies of the documents. (4-2-08)

07. Progress Report. The progress report should focus on areas of positive change in behavior and attitudes, as well as on the factors required for a successful program completion (progress in community protection, competency development, and accountability). Areas of need that were included in the service implementation plan and identified in Subsection 271.01, of these rules, should also be referenced in the progress report. Each progress report should also note any changes or further development of the reintegration plan and should detail the level of involvement of the parent or guardian in treatment. A written progress report must be submitted to the juvenile services coordinator at least every two (2) months. (4-6-05)

08. Report Distribution. Copies of the progress report shall be distributed by the contract provider to the juvenile offender and the juvenile services coordinator. The juvenile services coordinator will review and forward the progress report to the juvenile probation officer, appropriate court, and parent or guardian, unless the juvenile offender's family has been excluded from treatment by the juvenile services coordinator and the respective clinical supervisor for some well documented reason. (4-2-08)

272. INDIVIDUAL COMMUNITY PASSES.

Prior to granting any individual community pass to a juvenile offender, the contract provider shall contact the juvenile probation officer and the juvenile services coordinator to ensure that neither the court nor the department has placed restrictions on the juvenile offender's pass privileges. All requests for passes must be approved by the juvenile services coordinator. Any pass involving an overnight stay away from the facility, or involving special circumstances such as a sexual victim in the home, requires a written plan detailing supervision and safety measures to be taken, an itinerary for the visit, transportation plan, and must be approved in writing five (5) business days in advance by the juvenile services coordinator. Each time a juvenile offender leaves on and returns from an individual community pass, the contract provider must notify the juvenile correctional center in Nampa of this movement, promptly at the time that the juvenile offender leaves and returns. (3-29-10)

01. Potential Risk to Public Safety. All passes for juvenile offenders assigned to residential facilities should be considered as an integral part of the service implementation plan. However, in all cases, the potential risk to public safety and adequacy of home supervision shall be considered prior to allowing a juvenile offender to return home. It is also important that passes not interfere with the ongoing treatment and supervision needed by juvenile offenders. Contract providers must provide parents or guardians with clearly written guidelines for approved passes, which must be signed by parents or guardians indicating their understanding and willingness to comply with those guidelines. The department's pass form may be used for this purpose. If the department's form is not used, the form signed and agreed to by the individual assuming responsibility for supervision, the pass must contain at least the following information: (4-2-08)

- a. The juvenile offender's name and date of birth; (4-2-08)
- b. The name, address and telephone number of the individual assuming responsibility; (4-6-05)
- c. Authorized days, dates and times for the pass, including the specific date and time of departure and of return; (4-6-05)
- d. A complete listing of the anticipated locations and activities in which the juvenile offender is expected to be involved; (4-2-08)
- e. Specific plans for supervision and telephone checks to verify compliance with the pass conditions; (4-6-05)
- f. A complete listing of the activities required during the pass; (4-6-05)
- g. Specific stipulations prohibiting: (4-6-05)
- i. The use of alcohol, tobacco, and drugs; (4-6-05)
- ii. Involvement in any illegal activity, or association with others who may be or have been involved in

- illegal behavior; (4-6-05)
- iii. Participation in sexual relations of any kind; (4-6-05)
 - iv. Possession of any kind of firearm or weapon; (4-6-05)
 - v. Any violation of the terms of probation; and (4-6-05)
- h.** Specific stipulations about search and drug testing upon return, and the possible consequences for violation of any of the terms of the pass agreement. (4-6-05)

02. Eligibility. A juvenile offender must be in placement a minimum of thirty (30) calendar days to be eligible for any pass. Any exceptions due to extenuating circumstances must be approved by the juvenile services coordinator. (3-29-10)

03. Frequency. Frequency of passes shall be consistent with the terms of the juvenile offender's service implementation plan and contract provider's contract with the department. (4-2-08)

04. Documentation. Documentation of the exact date and time of the juvenile offender's departure from the program for a pass, and return, must be maintained along with complete information about the individual assuming physical custody, transportation, and supervision during the pass. (3-29-10)

273. GROUP ACTIVITIES OFF FACILITY GROUNDS.

An activity plan and itinerary covering activities to be engaged in, when and where the group is going, how they will travel, how long they will stay, and why the activity is being planned must be submitted to the juvenile services coordinator at least five (5) business days prior to the activity. The activity plan must identify the specific risk elements associated with the activity and provide a safety plan for each of those risk elements. Routine, low risk activities within the local community adjacent to the facility do not require prior notice, and are to be conducted at the discretion of and under the responsibility of the contract provider. (4-6-05)

01. Recreational Activities. A pass authorizing the participation of juvenile offenders in outdoor recreational or work activities with an increased risk, such as overnight trips, must be signed by the juvenile services coordinator and juvenile probation officer prior to the activity. Any proposed activity that involves rafting, horseback riding, boating, rappelling, rock climbing, or higher risk activity must also have the prior approval, in writing, of the clinical services administrator. (3-29-10)

02. Staff Requirements. (4-6-05)

a. A basic first aid kit and current Red Cross First Aid Manual will be taken with the group. At least one (1) person certified in first aid and CPR shall accompany the group. (4-6-05)

b. Swimming, boating, or rafting will only be allowed when a staff in attendance has certification in basic rescue and water safety, water safety instruction, or Red Cross life saving. All juvenile offenders involved in boating or rafting activities must wear an approved personal flotation device. (4-2-08)

c. A staff to juvenile offender ratio of one to six (1:6) will be adhered to as a minimum unless there is a reason to require more staff. The risk level of the activity, as well as any physical disabilities, high client irresponsibility, mental deficiencies, or inclusion of groups of juvenile offenders under age twelve (12), are some reasons to consider additional staff. (4-2-08)

d. All participants will be recorded in the activity plan and identified as program clients, staff, or volunteers. The individual staff or volunteer satisfying the above first aid and CPR requirements must be identified in the plan. (4-6-05)

03. Consent Forms. Recreational activities identified as presenting a higher risk require prior written approval in accordance with Subsection 273.01 of these rules. Each juvenile offender must have prior written consent from a parent or guardian, if available, and the clinical services administrator. Consent shall include: (4-2-08)

- a. Permission for the juvenile offender's participation; (4-2-08)
- b. Acknowledgement of planned activities; and (4-6-05)
- c. Permission for the contract provider to seek or administer necessary medical attention in an emergency. (4-6-05)

04. Consumption. There will be no consumption of alcoholic beverages or illicit drugs by staff or juvenile offenders or volunteers while engaged in any agency-sponsored trip or activity. (4-2-08)

274. ACTIVITY REPORTS.

At the conclusion of each pass or group activity, the contract provider shall determine whether any problems occurred or other significant positive or negative events transpired while the juvenile offender was on pass. This information shall be documented in the juvenile offender's file. Any unusual occurrences shall be reported to the juvenile services coordinator and documented on an incident report. A drug screening urinalysis may be conducted on each returning juvenile offender, at the expense of the contract provider, and the results of that exam reported to the juvenile services coordinator. (4-2-08)

275. OUT-OF-STATE TRAVEL.

When a contract provider is planning an out-of-state trip for any of its juvenile offenders, the facility administrator shall obtain prior written authorization from the regional clinical supervisor or designee. The necessary sequence of action and approval is as follows: (4-2-08)

01. Notification. The contract provider shall notify the juvenile services coordinator in writing two (2) weeks in advance of the scheduled trip with the following: (4-6-05)

- a. Dates of the scheduled trip; (4-6-05)
- b. Location of the trip; (4-6-05)
- c. Purpose of the trip; (4-6-05)
- d. Transportation arrangements; (4-6-05)
- e. Where the juvenile offender will be staying if overnight accommodations are required (address and phone number); and (4-2-08)
- f. Who is going, such as juvenile offender, and name and position of staff. (4-2-08)

02. Prior Approval. The administrator shall obtain all necessary approvals prior to authorizing travel. (4-6-05)

276. PLANNING FOR REINTEGRATION.

Each area of continuing need must be specifically addressed (health, mental health, substance abuse, social skills, other specialized needs). (4-2-08)

01. Programs. Programs must promote continuity in programming and services for juvenile offenders after they leave the program by assuring that essential information is forwarded to those agencies that will be providing services to the juvenile offenders, and working closely with department staff throughout placement to plan for reintegration. (4-2-08)

02. Approval. Reintegration, by release from department custody or transfer, shall not take place without the involvement of the department's assigned juvenile services coordinator, and the approval in writing of the regional clinical supervisor and regional superintendent. (4-6-05)

03. Department Concurrence. Preparation for reintegration of a juvenile offender begins with the

initial development of a service plan and is an ongoing process throughout the juvenile offender's program. Criteria for the juvenile offender's release from department custody or transfer shall be explained to him as soon as possible after admission to a program. (4-2-08)

04. Reintegration Plan. Within the first thirty (30) calendar days after a juvenile offender is admitted to a program, a written reintegration plan shall be formulated as one (1) part of the overall service implementation plan. The reintegration plan should include: (4-2-08)

- a. The juvenile offender's anticipated length of stay; (4-2-08)
- b. Specific program goals to be achieved while in the program; (4-6-05)
- c. Living arrangements upon release from department custody or transfer; (4-6-05)
- d. Resources necessary for the juvenile offender to continue to meet treatment goals in the community; (4-2-08)
- e. Resources necessary for the juvenile offender to continue an appropriate education; and (4-2-08)
- f. Terms of continued probation to the extent that they are known and addressed in progress reports. (4-6-05)

05. Written Recommendation. Contract providers shall provide to the juvenile services coordinator a written recommendation for release from department custody or transfer at least thirty (30) calendar days prior to the juvenile offender's anticipated completion of the program. This recommendation shall include: (4-2-08)

- a. A current summary of the juvenile offender's progress; (4-2-08)
- b. A summary of the efforts to reach the juvenile offender's goals and objectives, including education; (4-2-08)
- c. Any unresolved goals or objectives; (4-6-05)
- d. Reinforcement goals and objectives for parents, guardians, or reintegration workers; (4-6-05)
- e. Recommendation for continuing services, including education, in the home community; (4-6-05)
- f. The prognosis; and (4-6-05)
- g. The current address of the recommended custodian. (4-6-05)

06. Reintegration Staffing. The juvenile services coordinator shall convene a reintegration staffing which will include the juvenile offender's probation officer, the contract provider, the juvenile offender's parent or guardian, an education representative, and the juvenile offender. Based upon the results of that staffing, the department will make the final decision regarding transfer or release from department custody. At a minimum, the reintegration staffing must consider and, to the extent possible, solidify plans to address any ongoing health, mental health, substance abuse, social skills, education, vocation, independent living, and other special needs. (4-2-08)

07. Check-Out Procedures. Prior to the release from department custody or transfer, the contract provider must have completed a Contract Provider Juvenile Check-Out Form supplied by the department. The form shall be dated, signed by the juvenile offender, and forwarded to the juvenile services coordinator on the actual date that the juvenile offender leaves the program. (4-2-08)

- a. The contract provider shall immediately provide the juvenile offender's medication, prescriptions and Medicaid card, if applicable, to the individual or agency authorized to transport the juvenile offender. (4-2-08)
- b. Within two (2) business days after a juvenile offender leaves the facility or program, the contract

provider shall send any available dental or medical records to the privacy officer at the nearest department regional facility. All school records available from school(s) the juvenile offender attended while in the program shall be sent to the juvenile correctional center in Nampa. (4-2-08)

c. Within two (2) business days after a juvenile offender leaves the facility or program, the contract provider shall send a report showing the juvenile offender's total hours, credits, and associated grades directly to the juvenile correctional center in Nampa. The contract provider shall maintain adequate documentation to support the submitted education reports. Timely receipt of these records is critical to assist the transition of the juvenile offender to another educational facility. If contracted facilities choose to utilize the department's software programs provided by the department for course enrollment and grading, the contract facility education staff will enter final grades into the department's software program prior to transfer. An e-mail notification to the education records manager at the juvenile correctional center in Nampa will be required once the final grades have been entered. The hard copy of the education files shall be mailed within two (2) business days of the juvenile offender's transfer. (4-2-08)

08. Termination Prior to Completion. (4-6-05)

a. When a contract provider believes a juvenile offender is at risk for transfer prior to program completion, the juvenile services coordinator must be notified as far in advance as possible so that a staffing with the regional clinical supervisor and, if necessary, the clinical services administrator, may be held. The purpose of this staffing is to consider the circumstances which may require the transfer, and to make every effort to address the concerns with the contract provider to avoid the necessity of making another placement. The contract provider must document these efforts at problem solving. The department will make a decision about transfer based upon the results of this staffing and any subsequent work agreed upon with the contract provider. The contract provider can request transfer of a juvenile offender in the following circumstances: (4-2-08)

- i. A pattern of documented behavior clearly indicating a lack of progress; or (4-6-05)
- ii. Commission of one (1) or more serious or violent incidents that jeopardize the safety and security of individuals or the program. (4-6-05)

b. In matters involving life, health, and safety of any juvenile in department custody, the department shall remove the juvenile offender immediately. (4-2-08)

c. A comprehensive summary shall include, at a minimum, a report on progress or lack of progress on all service implementation plan areas, and recommendations for follow-up. The summary shall be forwarded to the juvenile services coordinator within twenty-four (24) hours of release from department custody or transfer prior to program completion. (4-6-05)

d. In cases of all releases from department custody and transfers, the contract provider shall send any available dental or medical records to the privacy officer at the nearest department regional facility. All school records available from school(s) the juvenile offender attended while in the program shall be sent to the juvenile correctional center in Nampa. (4-2-08)

e. The summary shall be forwarded to the department within five (5) business days of the date of transfer or release from department custody, if the juvenile offender has completed the program. (4-2-08)

277. RESERVATION OF PROGRAM SLOTS.

When a program slot is to be reserved, the department shall contact the contract provider and request that the slot be reserved. Unless the clinical services administrator or designee gives specific approval, the maximum time for which a program slot may be reserved and the contract provider continue to receive payment is forty-eight (48) consecutive hours. (4-6-05)

278. GUIDELINES FOR SPECIFIC SERVICES.

01. Counseling Services. (4-6-05)

a. All counseling services provided to juvenile offenders, whether individual, group or family, must

be performed by a clinician, counselor, or therapist as defined in these rules. (4-2-08)

b. Counseling should be planned and goal directed. (4-6-05)

c. Notes must be written for each service provided. The notes must be dated, clearly labeled either individual, group or family counseling, and each entry must be signed by the clinician, counselor, or therapist performing the service. (4-6-05)

d. The methods and techniques applied in counseling and the frequency and intensity of the sessions should be determined by assessment. (4-6-05)

e. Counseling should be reality oriented and directed toward helping juvenile offenders understand and solve specific problems; discontinue inappropriate, damaging, destructive or dangerous behaviors; and fulfill individual needs. (4-2-08)

f. The minimum standard for the frequency of counseling services shall be specified in the comprehensive program description attached to the contract with the department. (4-6-05)

g. There should be a mechanism developed to monitor and record incremental progress toward the desired outcome of counseling services. (4-6-05)

h. Programs should be able to demonstrate that counseling interventions are shared in general with other program service providers, and there is broad mutual support for the goals of counseling in all service areas of the program. (4-6-05)

i. Programs must provide crisis intervention counseling if warranted by the assessment and circumstances. (4-6-05)

j. The contract provider must furnish adequate space for conducting private interviews and counseling sessions at the facility. (4-6-05)

k. Family counseling services must be available as a part of the juvenile offender's service implementation plan, to the extent that this is supported by the assessment. If the assessment indicates a need for these services, family counseling should specifically address issues that, directly or indirectly, resulted in the juvenile offender's removal from the home and the issue of eventual reintegration back into the family unit. A statement of goals to be achieved or worked toward by the juvenile offender and the family should be part of the service implementation plan. (3-29-10)

02. Substance Abuse Treatment Services. As a minimum standard, programs must provide substance abuse education for all juvenile offenders, and substance abuse treatment services as determined by assessment and indicated in the service implementation plan. Substance abuse treatment services must have direct oversight by a certified alcohol and drug counselor, or master's level clinician with three (3) years experience in the substance abuse field. Substance abuse treatment services must be fully described in the detailed program description and must have a written curriculum containing a description of each session offered. Juvenile offenders receiving substance abuse treatment services shall have an orientation to a twelve-step program at the appropriate point in treatment, or an introduction to a community intervention program if a twelve-step program is not appropriate for him. Relapse prevention plans must be a component of the substance abuse treatment services provided in programs offering more than substance abuse education. Relapse prevention plans must be specifically based on the individual needs of the juvenile offender. Notes documenting the service provided must be dated, clearly labeled "substance abuse treatment services," and each entry must be signed by the counselor performing the service. (3-29-10)

03. Suicide Prevention and Risk Management. In addition to the policy required in Paragraph 261.01.e., of this rule, contract providers must be able to demonstrate that they: (4-6-05)

a. Train staff regularly to identify, document and appropriately respond to behavior that may indicate a risk of suicide; (4-6-05)

b. Utilize medical or other staff trained by a mental health professional to review history, and interview and observe juvenile offenders new to the program in order to complete suicide risk screening within two (2) hours of admission; (4-2-08)

c. Utilize a mental health professional to complete a suicide risk assessment on a juvenile offender who has been identified by staff as presenting a risk of suicide; (4-2-08)

d. Utilize mental health professionals to help develop a safety plan for each juvenile offender identified as presenting a risk for suicide, and to determine when that risk is reduced enough to reduce or terminate suicide precautions; and (4-2-08)

e. Prohibit the use of separation and isolation of juvenile offenders identified as presenting a suicide risk, unless constant one-on-one (1 on 1) staff supervision is provided and that all juvenile offenders in separation or isolation are closely monitored to reduce the risk of suicidal behaviors. (4-2-08)

04. Social Skills Training Including Relapse Prevention Skills. Programs must assess each juvenile offender's social skills and document specific services provided to improve functioning in this area. Additionally, every juvenile offender must have developed a written relapse prevention plan prior to successfully completing the program. (4-2-08)

05. Health Services. Programs must be able to demonstrate compliance with the required policy concerning access to routine and emergency health and mental health care and, in addition, should provide a basic health curriculum for all juvenile offenders. Contract providers must provide and document a health and suicide risk screening of each juvenile offender within two (2) hours of admission into the program. (4-2-08)

06. Vocational and Prevocational Services. Programs must be able to demonstrate that each juvenile offender's vocational interests and needs have been assessed and an appropriate level of services has been provided. These services may range from a specific vocational skills curriculum, offered on site or in the community, to a prevocational skills component, which at a minimum, involves juvenile offenders in assessing their vocational interests and strengths. (4-2-08)

07. Basic Life Skills and Independent Living. Programs must be able to demonstrate that juvenile offenders are taught basic life skills and that age-appropriate juvenile offenders are involved in independent living skills consistent with their age and needs. This program should include, at a minimum, instruction in: (4-2-08)

- a.** Hygiene and grooming skills; (4-6-05)
- b.** Laundry and maintenance of clothing; (4-6-05)
- c.** Appropriate social skills; (4-6-05)
- d.** Housekeeping; (4-6-05)
- e.** Use of recreation and leisure time; (4-6-05)
- f.** Use of community resources; (4-6-05)
- g.** Money management; (4-6-05)
- h.** Use of public transportation, where available; (4-6-05)
- i.** Budgeting and shopping; (4-6-05)
- j.** Cooking; (4-6-05)
- k.** Punctuality, attendance and other employment-related matters; and (4-6-05)

I. Vocational planning and job finding skills. (4-6-05)

08. Recreational Services. Programs should have a written plan for providing recreational services based on individual needs, interests, and functional levels of the population served. (4-6-05)

a. The recreational program should include indoor and outdoor activities. Activities should minimize television and make use of a full array of table games and other activities that encourage both solitary entertainment and small group interaction. An appropriately furnished area should be designated inside the facility for leisure activities. (4-6-05)

b. Programs should have staff educated and experienced in recreational programs to ensure good planning, organizing, supervision, use of facility, and community activities. Recreational activities considered part of the service implementation plan must be funded by the contract provider. The use of community recreational resources should be maximized, as long as community safety is assured. The contract provider must arrange for the transportation and provide the supervision required for any usage of community recreational resources. No juvenile offender shall be required to pay to participate in recreational activities made available through the program. (4-2-08)

279. EMPLOYMENT OF JUVENILE OFFENDERS.

01. Employment. If juvenile employment away from the program site is a part of the program, written policy and procedure must provide that program resources and staff time are devoted to helping employable juvenile offenders locate employment. Programs must ensure that each employment opportunity meets all legal and regulatory requirements for juvenile employment. The contract provider shall make periodic checks on the job-site to ensure the juvenile offender is working under acceptable conditions. The juvenile offender's employer shall be consulted regularly by the contract provider concerning the juvenile offender's work abilities and performance on the job-site. Under no circumstances should staff or the families of staff benefit financially, or otherwise, from work done by juvenile offenders in the program. Contract providers must make every reasonable effort to assure that each juvenile offender's transportation to and from a job-site is safe. (4-2-08)

02. Employment Opportunities. Every reasonable effort shall be made to select employment opportunities that are consistent with the individual interests of the juvenile offender to be employed. Preference will be given to jobs that are related to prior training, work experience, or institutional training, and may be suitable for continuing post-release employment. Reasonable effort must be made to provide a juvenile offender with the highest paying job possible. Income earned by a juvenile offender shall be handled consistent with Subsection 212.04, of these rules. (4-2-08)

280. RELIGIOUS SERVICES.

Programs must ensure that attendance at religious services is voluntary. No juvenile offender shall be required to attend religious services, and no juvenile offender shall be penalized for not attending nor given privileges for certain attendance. (4-2-08)

01. Voluntary Practice. All juvenile offenders must be provided the opportunity to voluntarily practice their respective religions in a manner and to the extent that will not compromise the safety, security, emotional, or physical well-being of the juvenile offenders in the facility. (4-2-08)

02. Attendance. Juvenile offenders may be permitted to attend religious services of their choice in the community as long as community safety is ensured. (4-2-08)

03. Transportation. Programs must, when reasonably possible, arrange transportation for those juvenile offenders who desire to take part in religious activities of their choice in the community. (4-2-08)

04. Risk to Community. If the juvenile offender cannot attend religious services in the community because staff has determined that the juvenile is an escape risk, or otherwise presents a risk to the safety of the community, the contract provider must make reasonable efforts to ensure that the juvenile offender has the opportunity to participate in religious services of the juvenile's choice at the facility. (3-29-10)

05. Visits. Juvenile offenders shall be permitted to receive visits from representatives of their

respective faiths. (4-2-08)

06. Minor Juvenile Offenders. When the juvenile offender is a minor, the contract provider shall make reasonable effort to comply with the wishes of the legally responsible person with regard to religious observances. A program's staff schedule shall not encourage or discourage participation in general or specific religious services or activities. (4-2-08)

281. -- 299. (RESERVED).

300. EDUCATION SERVICES.

01. Appropriate Services. The contract provider shall ensure that each juvenile offender is given appropriate educational and vocational services that are consistent with the juvenile offender's abilities and needs, taking into consideration age, level of functioning, and any educational requirements specified by state or federal law. Contract providers must assure that educational services provided as a part of an overall program play an integral part in the process of reclaiming juvenile offenders to responsible roles in society. Educational services must strive to facilitate positive behavior change by helping juvenile offenders to develop abilities in academic, workplace, and technological areas; to restructure harmful or limiting cognitive patterns; and, to adopt appropriate social interactions skills. Educational services provided by contract providers must use whatever combination of approaches and motivations that will best facilitate the learning process in conjunction with the service implementation plan. All educational services provided must meet all mandates of the No Child Left Behind Act (NCLB), the IDEA, the Family Educational Rights and Privacy Act (FERPA), and Section 504, Rehabilitation Act of 1973 (Section 504). (4-2-08)

02. Mandatory Enrollment. Contract providers must ensure that all juvenile offenders involved in their programs who are of mandatory school age, or who have not yet obtained a General Educational Development (GED) or high school diploma, are enrolled in a school system or in a program approved and certified by the Idaho Department of Education to provide both special education and other services. For those who have obtained a GED or high school diploma, an appropriate educational and vocational service shall be provided in accordance with the service implementation plan. The department shall provide contract providers access to the department's software programs to record courses and grades. When contract providers choose to use these software programs, they need not send the department report cards; they need only assure all grades are entered through the software program at the end of each grading period. (4-2-08)

03. Cooperative Relationships. Contract providers may provide educational services through a cooperative agreement with the local education agency or through an in-house educational program administered by the contract provider. If a local education agency provides the services, it is expected that the contract provider will have a written agreement with a local education agency that clearly defines the services that will be provided in the contract facility. The written agreement must include, at a minimum, all of the following: (4-2-08)

- a.** Level of participation in reintegration planning for each juvenile offender; (4-2-08)
- b.** That grades will be submitted, as required in Subsection 300.09 of these rules, within twenty-four (24) hours of transfer or release from department custody; (4-6-05)
- c.** Curriculum for special education services, if appropriate; (4-6-05)
- d.** A plan for the provision of state required testing; and (4-6-05)
- e.** Types of services that will be provided beyond the established limits of the regular school year for that school district. (4-6-05)

04. Costs of Educational Services. If a local education agency agreement is developed, the Idaho Department of Education will flow education funds to the local education agency in a manner consistent with current legislative funding mandates. A copy of the memorandum of understanding between the contract provider and the local education agency must be provided to the department, and the source of funds to cover the costs for educational services clearly accounted for in the budget attached to the program description. If the contract provider elects to

provide the services in-house, the cost of educational services will be included in the daily contract rate. The contract provider will not be eligible to receive educational funding through both of these sources. (4-2-08)

05. Accreditation Requirements. Each contract provider serving juvenile offenders, who have been committed to the department, will have, or contract with, an education program that will meet the accreditation standards of the Northwest Association of Schools and of Colleges and Universities or the Idaho Department of Education. (4-2-08)

06. Educational Assessment. Federal and state laws mandate that juvenile offenders be provided with an appropriate education. Contract providers are responsible for providing an educational track which will best serve the needs of each juvenile offender, as determined by the assessment provided by the department through the observation and assessment process, or as determined by an assessment completed by a local school district. A copy of the relevant assessment and related current and valid education plan, as well as all supporting documentation for each juvenile offender, must be maintained in a separate file and must be available to the department and to the Idaho Department of Education. A copy of the IEP and all supporting documentation must be sent to the department's education records manager within ten (10) business days or less of its completion for inclusion in the juvenile offender's permanent school records that are maintained at the juvenile correctional center in Nampa. (4-2-08)

a. Contract providers are responsible for ongoing, yearly reassessment of each juvenile offender's progress within the education program as well as documenting and reporting that progress. This responsibility extends to completing a reassessment just prior to release from department custody or transfer, and reporting academic gain both for individual juvenile offenders as well as composite data for the education program overall. (4-2-08)

b. Consistent with statewide educational standards, contract providers are responsible for assuring that each juvenile offender is tested twice annually using the Idaho Standards Achievement Test (ISAT). Contract providers must also administer the Direct Math and Writing Assessments or other tests mandated by the administrative rules of the Idaho Board of Education. Any fees associated with the testing services will be the responsibility of the contract provider. Results of testing shall be submitted to the department's education file manager at the juvenile corrections center in Nampa within ten (10) days after the contract providers' receipt of the scores. (4-2-08)

07. GED and High School Equivalency (HSE) Eligibility. Contract providers must assure that GED tests will be administered to juvenile offenders meeting the criteria established in the administrative rules of the Idaho Board of Education for school districts. Contract providers must assist juvenile offenders who successfully complete GED testing with a minimum standard average score of four hundred fifty (450) and earn a credit in United States Government to apply for an Idaho HSE from the Idaho Department of Education. All GED testing and HSE application fees will be paid by the contract provider. Test results shall be submitted to the department's education records manager at the juvenile correctional center in Nampa within ten (10) days after the receipt of the scores. (4-2-08)

08. Special Education Services. (4-6-05)

a. The contract provider shall ensure that the special educational needs of juvenile offenders are addressed. The contract provider's in-house program or cooperating local education agency program must comply with Section 504 and the IDEA, as well as any other applicable state or federal laws. Under no circumstances shall the contract provider or its teaching staff make modifications in the juvenile offender's Section 504 or the IDEA educational program without conducting a Child Study Team meeting in consultation with the department's educational coordinator or designee. (4-2-08)

b. Contract providers must make every reasonable effort and thoroughly document all efforts to contact parents or guardians of juvenile offenders identified as eligible for special education. If it is not possible to involve the natural parents or guardians, a surrogate parent must be appointed by the agency providing special educational services. This surrogate cannot be the director or other employee of an agency, institution, or community-based residential facility who is involved in providing care or education to a juvenile offender, or an employee of a state agency or agency volunteer, such as caseworker, social worker, or court-appointed special advocate who has been appointed by the state to provide for the welfare of the student. A surrogate parent is used only for special

educational requirements and has no other legal authority. (4-2-08)

c. Contract providers may choose to utilize the department's special education software for managing special education paperwork. If this option is selected, an e-mail to the education records manager at the juvenile correctional center in Nampa will be required stating that the required documents have been completed in the software program. It will not be necessary to mail hard copies of the documents. (4-2-08)

09. Standards for Instructional Time. Contract providers must assure that the school day is consistent with at least the minimum standard established for high schools by the Northwest Association of Schools and of Colleges and Universities. The length of the school day will further meet all requirements established by state and federal laws, regulations, and accreditation standards. Contract providers must provide an appropriate educational or vocational program for each juvenile offender for twelve (12) months of the year. At a minimum, this involves four (4) hours per day, five (5) days per week throughout the full calendar year. Juvenile offenders involved in any disciplinary process shall not be denied their right to education and other related services. If security or other related concerns are present that may prohibit a juvenile offender's participation in educational programming, an education plan review will be completed and documented in an incident report. If the juvenile offender is eligible for services under the IDEA or Section 504, a Child Study Team will meet to make a determination as to whether or not the behavior is a result of the juvenile offender's handicap. All due process procedures will be followed according to the administrative rules for special education. (4-2-08)

10. Educational Records and Confidentiality. (4-6-05)

a. Educational records shall be maintained by the contract provider at all times in accordance with FERPA. At a minimum, the following information shall be included in the record: (4-6-05)

i. Subjects taken; (4-6-05)

ii. Grades by subject and explanation of the grading system; (4-6-05)

iii. Units of credit with explanation; (4-6-05)

iv. Attendance records; and (4-6-05)

v. Any standardized test scores. (4-6-05)

b. Reports of the juvenile offender's educational progress (report cards) shall be provided to the education records manager at the juvenile correctional center in Nampa within ten (10) days after the end of the school's grading periods (midterm, semester, trimester, etc.). (4-2-08)

c. Contract providers must ensure that juvenile offender educational files are consistently maintained to ensure compliance with FERPA. (4-2-08)

d. When a juvenile offender is released from department custody or transferred, the permanent education file shall be updated by the department's education records technician. The contract providers will provide final withdrawal grades and credits within twenty-four (24) hours or next working day after the juvenile offender is released from department custody or transferred. The department will provide access to software programs to contract providers for recording courses and grades. When contract providers choose to use the software programs they need not send the department report cards; they need only assure all grades are entered through the software program at the end of each grading period. The contract providers shall send the education records manager at the juvenile correctional center in Nampa an e-mail advising that the final grades have been entered into the software program. Working educational files shall be returned to the juvenile correctional center in Nampa within ten (10) business days of the juvenile offender's release from department custody or transfer. (4-2-08)

301. -- 319. (RESERVED).

320. PRIVACY OF MEDICAL RECORDS AND INFORMATION.

Confidentiality of personal health information of each juvenile offender shall be maintained in accordance with the

Privacy Regulations promulgated under HIPAA of 1996 or, if more stringent, the laws of the state of Idaho. Compliance with these regulations is the responsibility of the contract provider. Staff shall be provided information about a juvenile offender's medical condition only when that knowledge is necessary for the performance of their job duties. (4-2-08)

01. Privacy Officer. The contract provider shall appoint a privacy officer to oversee that the control and maintenance of all juvenile offender health and medical records is in compliance with the federal Privacy Regulations, 45 Code of Federal Regulations Sections 160 and 164. (4-2-08)

02. Separate Records. All juvenile offender medical and health records shall be kept in files that are physically separated from other juvenile offender files and information, and under a system of security against unauthorized access. (4-2-08)

321. PROVISION OF MEDICAL SERVICES.

01. Medical Care. Each juvenile offender shall be provided with medical, dental, optical, mental health, emergency or any other related health services while in the contract provider's care. Each contract provider shall have access, on a twenty-four (24) hour basis, to a licensed general hospital, clinic or physician, psychiatrist, and dentist to provide juvenile offenders with professional and qualified physical or mental health services, including medications. Health, mental health, and suicide risk screening must be provided within two (2) hours of a juvenile offender's admission to a program. Comprehensive and professional health and mental health assessments must be provided by the contract provider within thirty (30) calendar days of admission, unless these are provided by the department. (4-2-08)

02. Medical Consent. As part of the admission process, the contract provider must have a copy of the department's Release of Information and Consent form signed by a juvenile offender's parent, guardian, or committing authority. The consent form shall be filed in the juvenile offender's medical and case files maintained by the contract provider. (4-2-08)

03. Emergency Medical Treatment. In cases of emergency medical treatment requiring signed authorization for juveniles in the custody of the department, reasonable efforts must be made to obtain the consent of the parent or guardian. The signature of only one (1) parent or guardian is sufficient to form consent or authorization. Should the parent or guardian not be available or refuses to sign, the authorization may be signed by the department's regional R.N. or designee. This does not restrict the contract provider from taking action in life and death situations. (4-6-05)

04. Reimbursement Sources. The contract provider shall utilize private insurance or Medicaid, if available, for funding medical, dental, optical, mental health, or related services, and pharmaceutical products for any juvenile offender. The contract provider shall not seek reimbursement from private insurance or Medicaid for health services that are the fiscal responsibility of the contract provider pursuant to its contract with the department. Any health services not listed in these rules, other than emergency treatment, which was not approved in advance by the department's regional R.N. or designee, will be at the expense of the contract provider. (4-2-08)

322. ADMISSION AND ANNUAL HEALTH SERVICES AND TREATMENT RECORDS.

01. Compliance with Child Care Licensing Rules. Admission and annual health services shall be provided to juvenile offenders in accordance with the child care licensing rules of the Idaho Department of Health and Welfare, unless otherwise provided in these rules. (4-2-08)

02. Prior Approval. No prior approval or review from the department's regional R.N. is required for admission and annual health services. Examples of admission and annual health services for which no prior approval or review is required are: (4-6-05)

- a.** Admission physical exams, including STD exams and treatment, as well as PAP smears; (4-6-05)
- b.** Admission dental exams, including x-rays (no Panorex), and cleanings (no sealants); (4-6-05)

- c. Admission eye exams and glasses, if needed; (4-6-05)
- d. Annual physical exams, including STD exams and treatment, PAP smears; (4-6-05)
- e. Annual dental exams with x-rays (no Panorex), and cleanings; and (4-6-05)
- f. Annual eye exams, if needed, and new glasses only if needed. (4-6-05)

03. Medical Records. Any time a juvenile offender receives treatment under this section or for any similar service, the contract provider shall retain the original medical record regarding treatment and send a copy to the department's regional R.N. immediately to ensure that accurate and current health records are maintained for each juvenile offender. (4-2-08)

323. NOTIFICATION OF CRITICAL HEALTH INCIDENTS.

The contract provider shall immediately report critical health incidents according to Subsection 262.02, of these rules. (4-6-05)

324. COMMUNICABLE DISEASES.

01. Policies. (4-6-05)

a. The contract provider shall establish policies and procedures for serving juvenile offenders with infectious diseases such as tuberculosis, hepatitis, and HIV or AIDS. These policies and procedures should address the management of communicable diseases, provide an orientation for new staff and juvenile offenders concerning the diseases, and ongoing education for staff and juvenile offenders regarding these diseases. Policies and procedures should be updated as new information becomes available. Individual health information or counseling will be made available by a qualified health professional for juvenile offenders diagnosed with a communicable disease. (4-2-08)

b. The contract provider shall comply with the child care licensing rules of the Idaho Department of Health and Welfare regarding universal precautions. (4-6-05)

02. HIV Testing. In accordance with law, a juvenile offender over age fourteen (14) may request to be tested for the presence of HIV. Any such juvenile offender requesting to be tested should be taken to a public health facility or, if available, a facility which accepts Medicaid reimbursement for administration of the test. (3-29-10)

03. Examinations. Examinations shall be performed on any juvenile offender by medical professionals for all symptomatic cases of communicable diseases such as tuberculosis, ova and parasites, infectious hepatitis, and sexually transmitted diseases. Juvenile offenders will be tested and, if indicated, treated. (4-2-08)

04. Confidentiality. Confidentiality shall be maintained. (4-6-05)

325. PREGNANCY.

01. Individual Medical Plan. Within the individual medical plan, specific goals and objectives will be developed when a pregnancy has been diagnosed. The plan shall be based on the orders of the juvenile offender's community obstetric physician and shall include special care, location for delivery, regular medical check-ups, and special dietary and recreational needs. A copy of the individual medical plan will be sent to the department's regional R.N. (4-2-08)

02. Parenting Classes. Parenting classes shall be an integral part of the individual medical plan for all pregnant female juvenile offenders. This service should also be offered as a priority to male juvenile offenders in department custody who are already fathers or whose spouse or girlfriend is expecting a child. (4-2-08)

03. Medicaid Reimbursement. Medical services relating to pregnancy shall be provided by a physician and hospital accepting Medicaid reimbursement, unless medical expenses are paid by the juvenile offender's family. (4-2-08)

04. Infant Care. When an infant is delivered and the mother continues in department custody, the infant shall be placed with an appropriate family member or in the temporary care of the Family and Children Services Division of the Idaho Department of Health and Welfare, subject to any necessary court approval. At no time shall the infant remain in the contract provider's facility. (4-6-05)

326. REFUSAL OF TREATMENT.

This is an incident requiring immediate notification under Subsection 262.02 of these rules. (3-29-10)

01. Refusal of Recommended Treatment by Physician. If a juvenile offender chooses to refuse treatment or medication recommended by a physician, the juvenile offender must sign a detailed statement refusing this care. A contract provider staff member must witness the juvenile offender's signature. This refusal form will be filed in the juvenile offender's medical record. (4-2-08)

02. Where Refusal Poses Significant Risk. If a juvenile offender refuses a treatment or medication for a condition which poses a significant risk of death or permanent physical impairment, the contract provider shall issue its approval for the immediate administration of the medical treatment or medication in accordance with standard practice. If danger to the juvenile offender is not imminent, the contract provider shall contact the clinical services administrator and notify the department's regional R.N. of the juvenile offender's refusal. (4-2-08)

327. USE OF MEDICATIONS.

A program shall have written policies and procedures governing the use and administration of medication to juvenile offenders. Policies shall conform to all applicable laws and regulations including, but not limited to, those of the Idaho Department of Health and Welfare. If initiating or modifying any medication, the department's regional R.N. must be notified. (4-2-08)

01. Psychotropic Medication. When psychotropic medication has been prescribed to a juvenile offender by a licensed physician, nurse practitioner, or physician's assistant, the contract provider shall notify the department's regional R.N., the juvenile offender's parent or guardian, the juvenile services coordinator, and the juvenile probation officer within three (3) business days. The notice shall include: (4-2-08)

- a.** The name of the prescribed medication; and (4-6-05)
- b.** The name and phone number of the doctor, nurse practitioner, or physician's assistant, who can explain the reason the medication was prescribed and any possible side effects. (4-6-05)

02. Reason for Administering Medication. The contract provider shall have staff available to explain to a parent or guardian, the juvenile services coordinator, and the department's regional R.N., the reason for making a referral to a physician who has prescribed psychotropic medication. The contract provider shall assure that any physician prescribing psychotropic medication is willing to discuss with a parent or guardian and department staff the reason the psychotropic medication was prescribed and the potential side effects of the medication. (4-6-05)

328. SUICIDE PRECAUTIONS.

All contract providers must have a written plan for responding to juvenile offenders who present a risk of suicide. The procedure shall, at a minimum, include a process for determination or assessment of suicidal behavior and risk, a procedure for contacting appropriate health authorities and the department, and a plan of direct supervision of a juvenile offender until a suicide crisis has ended. A suicide risk screening must be completed on every juvenile offender within two (2) hours of admission. (4-2-08)

329. FIRST AID KITS.

Each contract provider shall maintain first aid kits in the manner required by the child care licensing rules of the Idaho Department of Health and Welfare, IDAPA 16.06.02, "Standards for Child Care Licensing." The first aid kits shall be kept locked and shall be placed in areas of the facility readily accessible to staff. (4-6-05)

330. -- 999. (RESERVED).

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