

JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Amendment)

505 KAR 1:120. Department of Juvenile Justice Policies and Procedures Manual: Health and Safety Services.

RELATES TO: KRS 15A.065, 15A.067, 200.080-200.120, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.067, 15A.160, 200.115, 605.150, 635.095, 635.100(7), 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095 and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation incorporates by reference policies and procedures concerning health and safety ~~for [into regulatory form materials used by]~~ the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

Section 1. Incorporation by Reference.

(1) The "Department of Juvenile Justice Policy and Procedures Manual: Health and Safety Services", January 13, 2023 ~~July 13, 2020~~, is incorporated by reference and includes the following:

- 400 Health Services Definitions (Amended 01/13/23 ~~07/13/20~~)
- 400.1 Health Services (Amended 04/15/20)
- 401 Health Services Administration and Personnel (Amended 03/30/18)
- 402 Access to Treatment and Continuity of Care (Amended 04/15/20)
- 402.1 Continuity of Care and Medical Discharge (Amended 04/15/20)
- 403 Medical Records (Amended 04/15/20)
- 404.1 Admission Screening for Physical and Behavioral Health Challenges (Amended 07/13/20)
- 404.2 Ectoparasite Control (Amended 03/30/18)
- 404.3 Health Assessment and Physical Examination (Amended 03/30/18)
- 404.4 Sick Call (Amended 03/30/18)
- 404.5 Access to Diagnostic Services (Amended 03/30/18)
- 404.6 Emergency Medical Services (Amended 03/30/18)
- 404.7 First Aid, AED, and First Aid Kits (Amended 03/30/18)
- 404.8 Hospital Care (Amended 03/30/18)
- 404.10 Special Needs Treatment Plans (Amended 03/30/18)
- 404.11 Perinatal Care (Amended 03/30/18)
- 404.12 Oral Screening and Oral Care (Amended 03/30/18)
- 404.13 Preventative Health Care (Amended 03/30/18)
- 404.14 Family Planning Services (Amended 03/30/18)
- 405 Behavioral Health Services Administration and Personnel (Amended 07/13/20)
- 405.1 Behavioral Health Screening and Evaluation (Amended 04/15/20)
- 405.2 Forced Psychotropic Medications (Amended 07/10/18)

- 405.3 Referral for Behavioral Health Services (Amended 07/13/20)
- 405.4 Suicide Prevention and Intervention (Amended 07/13/20)
- 405.5 Behavioral Health Emergencies (Amended 04/15/20)
- 405.6 Psychiatric Hospitalization (Amended 07/13/20)
- 406 Therapeutic Restraints (Amended ~~01/13/23~~~~[03/30/18]~~)
- 407 Pharmaceuticals (Amended 03/30/18)
- 408.1 Forensic Information (Amended 03/30/18)
- 409 Substance Abuse and Chemical Dependency (Amended 03/30/18)
- 410 Orthoses, Prostheses, and Other Aids to Reduce the Effects of Impairment (Amended 08/14/18)
- 411 Notification in Emergencies (Amended 03/30/18)
- 414 Environmental Health and Safety (Amended 03/30/18)
- 415 Occupational Exposure to Bloodborne Pathogens (Amended 03/30/18)
- 416 HIV/AIDS/STI (Amended 03/30/18)
- 416.1 Infectious Communicable Disease (Amended 03/30/18)
- 424 Emergency Plans (Amended 03/30/18)
- 424.1 Emergency Plans for Central Office (Amended 03/30/18)
- 426 Dietary Services (Amended 03/30/18)
- 427 Maintenance (Amended 03/30/18)
- 427.1 Control and Use of Tools and Sharps (Amended 03/30/18)
- 428 Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials (Amended 03/30/18)
- 428.1 Control of Hazardous Materials in Central Office (Amended 03/30/18)
- 430 Pets and Domestic Animals (Amended 03/30/18)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Juvenile Justice Web site at <https://djj.ky.gov/About%20DJJ/Pages/lrcfilings.aspx>.

VICKI REED, COMMISSIONER

APPROVED BY AGENCY: January 12, 2023

FILED WITH LRC: January 13, 2023 at 11:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 21, 2023, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2023.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, Justice.RegContact@ky.gov, phone (502) 564-3279, fax (502) 564-6686.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Department of Juvenile Justice

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 15A.065(1), 15A.067, 15A.160, 200.115, 605.150, 635.095, 635.100(7), 640.120, 645.250

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The amendment to this regulation will not create any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

The amendment to this regulation will not create any revenue.

(c) How much will it cost to administer this program for the first year?

An exact cost is unknown, but devices including tasers and pepper spray, shields, riot control suits and helmets, camera equipped vehicle partitions, and other items will be acquired to assist with control at some DJJ facilities at an approximate cost of \$1,478,969.82. Training costs will also be incurred for each staff member who is authorized to use tasers or pepper spray. These costs are for the amendment of both administrative regulations being filed.

(d) How much will it cost to administer this program for subsequent years?

An exact cost is unknown, but devices like pepper spray will be reacquired as they are used or expire. Training costs will continue to be incurred for new staff authorized to use pepper spray or tasers. The tasers, cars with camera equipped security partitions, and other equipment will need to be replaced on an intermittent basis.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

Cost savings are not anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

Cost savings are not anticipated.

(c) How much will it cost the regulated entities for the first year?

An exact cost is unknown, but devices including tasers and pepper spray, shields, riot control suits and helmets, camera equipped vehicle partitions, and other items will be acquired to assist with control at some DJJ facilities at an approximate cost of \$1,478,969.82. Training costs will also be incurred for each staff member who is authorized to use tasers or pepper spray. These costs are for the amendment of both administrative regulations being filed.

(d) How much will it cost the regulated entities for subsequent years?

An exact cost is unknown, but devices like pepper spray will be reacquired as they are used or expire. Training costs will continue to be incurred for new staff authorized to use pepper spray or tasers. The tasers, cars with camera equipped security partitions, and other equipment will need to be replaced on an intermittent basis.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] A major economic impact is anticipated.