

JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Amended After Comments)

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", May 12~~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 ~~05/12/23~~~~{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

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation incorporates by reference the policies and procedures concerning health and safety governing the operations of the Department of Juvenile Justice (DJJ).

(b) The necessity of this administrative regulation:

This regulation meets statutory requirements in KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095 and 640.120.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The authorizing statutes permit the cabinet and the department to implement practices or procedures to ensure the safe and efficient operation of the department and its juvenile facilities.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The regulation and material incorporated by reference provide direction and information to DJJ employees, juveniles, and their families concerning policies and procedures that govern operation of the department.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment allows the staff to use additional safety measures to protect themselves and control unruly juveniles.

(b) The necessity of the amendment to this administrative regulation:

The amendment meets the requirements of authorizing statutes and updates practices for the department regarding disruptive and dangerous behavior of juveniles.

(c) How the amendment conforms to the content of the authorizing statutes:

The authorizing statutes permit the cabinet and the department to implement or amend practices or procedures to ensure the safe and efficient operation of the department.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment provides staff with additional means to control juveniles before they injure themselves, other juveniles, or staff.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This affects approximately 301 employees of DJJ, 200 juveniles, and their families.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Staff, juveniles, and their families will have to follow the changes made in the policies and procedures. They will have to change their actions to comply with the operational changes made by this amendment. Staff will be trained on the use of chemical agents and energy conductive devices as well.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

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.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The operational changes will assist in the effective and orderly management of the department.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

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.

(b) On a continuing basis:

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.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

DJJ budgeted funds for the biennium.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in funding is anticipated as estimated above.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

The administrative regulation does not create any fee.

(9) TIERING: Is tiering applied?

No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

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?

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(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.