

# Texas Administrative Code Chapter 355

Revised standards effective on February 1, 2018

The TJJJ Board has adopted changes to 37 TAC Chapter 355, relating to Non-Secure Correctional Facilities. These changes will take effect on February 1, 2018. This document contains a summary of the changes and shows the marked-up text of the affected standards. To see the final text of Chapter 355 in its entirety without the mark-ups, please visit the [Resources page on the TJJJ website](#).

Rule #	Title of Rule	Summary of Key Revisions
355.100	Definitions	<ul style="list-style-type: none"> <li>• Deleted the definitions for Youth Activities Supervisor and Material Safety Data Sheet.</li> <li>• Added a definition for Safety Data Sheet.</li> <li>• Clarified that a psycho-social evaluation conducted as part of a <i>Behavioral Health Assessment</i> includes a history of traumatic events.</li> <li>• Clarified that a Behavioral Health Assessment may be conducted by a mental health provider who is licensed <i>or otherwise authorized to provide mental health services</i> under the applicable licensing statutes.</li> <li>• Added that the definition of Juvenile Supervision Officer does not include individuals who supervise juveniles in a juvenile justice program unless that program is a juvenile justice alternative education program operated by a department that also operates a juvenile justice facility.</li> <li>• Clarified that advanced practice registered nurses (rather than licensed nurse practitioners) are included among those who are authorized to perform <i>or order</i> medical treatment.</li> <li>• Replaced the names of the licensing boards in the definition of Mental Health Provider with the associated subtitles and chapters of the Texas Occupations Code.</li> <li>• Clarified that Qualified Mental Health Professionals are those who meet the definition in the <i>administrative rules</i> (rather than guidelines) of the Texas Department of State Health Services.</li> <li>• Made minor wording clarifications and grammatical changes in the definitions of Contraband, Governing Board, Housing Unit, Non-Secure Correctional Facility, and Premises.</li> </ul>
355.230	Criminal History Searches	<ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• Criminal history searches for individuals employed by or providing services at non-secure facilities are addressed in Chapter 344.</li> </ul>
355.404	Designation of Facility Administrator	<ul style="list-style-type: none"> <li>• Removed the minimum qualifications for employment as a facility administrator. These requirements are now addressed in 344.202.</li> </ul>
355.406	Duties of Facility Administrator	<ul style="list-style-type: none"> <li>• Clarified that the facility administrator ensures criminal history and background checks are completed for all individuals identified by Chapter 344 (rather than just for employees who have unsupervised contact with residents).</li> </ul>
355.426	Housing Records	<ul style="list-style-type: none"> <li>• Removed a reference to youth activities supervisors.</li> </ul>
355.428	Qualifications to Provide Resident Supervision	<ul style="list-style-type: none"> <li>• Removed youth activities supervisors from the list of individuals who are authorized to provide resident supervision.</li> <li>• Added that, in order to supervise residents, a certified juvenile supervision officer must have received facility-specific training listed in 355.429 if the officer was certified while working for another department.</li> <li>• Added that a juvenile supervision officer who is not yet certified may supervise residents only if the individual:</li> </ul>

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Rule #	Title of Rule	Summary of Key Revisions
		<ul style="list-style-type: none"> <li>○ has not exceeded the deadline for submitting an application for certification;</li> <li>○ has completed <i>all training required by TAC §344.622 and §344.624</i> (rather than at least 40 hours consisting of the mandatory exam topics, CPR, first aid, and personal restraint technique); and</li> <li>○ has passed the certification exam.</li> </ul> <ul style="list-style-type: none"> <li>● Added that a juvenile supervision officer who has not met the requirements to provide resident supervision may not be included in officer-to-resident ratios and may not perform any duties of a juvenile supervision officer.</li> </ul>
355.429 <b>(NEW)</b>	Additional Training Required for Certified Officers Hired by a Different Department	<ul style="list-style-type: none"> <li>● <b>New standard.</b></li> <li>● Requires a certified juvenile supervision officer who is hired by a department or facility different than the one where the officer received certification to receive facility-specific training in 14 listed topics.</li> <li>● Prohibits juvenile supervision officers who have not completed the facility-specific training from being included in officer-to-resident ratios and from performing any duties of a juvenile supervision officer.</li> </ul>
355.430	Supervision Requirements	<ul style="list-style-type: none"> <li>● Removed references to youth activities supervisors.</li> <li>● Added a reference to 355.429 as a standard that may apply to a juvenile supervision officer's ability to count in the ratio.</li> </ul>
355.434	Primary Control Room	<ul style="list-style-type: none"> <li>● <b>REPEALED.</b></li> <li>● This standard is not needed for non-secure facilities.</li> </ul>
355.520	Confidentiality of Health Care Encounters	<ul style="list-style-type: none"> <li>● Removed references to youth activities supervisors.</li> <li>● Clarified that a juvenile supervision officer may be present during any <i>health care encounter</i> between a youth and a health care professional (rather than only during medical treatment) under certain circumstances.</li> </ul>
355.524	Medical Separation	<ul style="list-style-type: none"> <li>● Removed a reference to youth activities supervisor.</li> </ul>
355.536	Supervision of High-Risk Suicidal Youth	<ul style="list-style-type: none"> <li>● Removed references to youth activities supervisors.</li> </ul>
355.538	Supervision of Moderate-Risk Suicidal Youth	<ul style="list-style-type: none"> <li>● Removed references to youth activities supervisors.</li> </ul>
355.638	Disciplinary Restriction	<ul style="list-style-type: none"> <li>● Removed a reference to youth activities supervisor.</li> </ul>
355.640	Disciplinary Separation	<ul style="list-style-type: none"> <li>● Removed a reference to youth activities supervisor.</li> </ul>
355.802	Restraint Requirements	<ul style="list-style-type: none"> <li>● Removed a reference to the threat of escape as a reason restraints may be used.</li> <li>● Removed references to youth activities supervisors.</li> </ul>
355.804	Restraint Prohibitions	<ul style="list-style-type: none"> <li>● Added a prohibition on using a restraint procedure that places anything around the resident's neck.</li> <li>● Moved the prohibition on securing residents to vehicles or other residents from 355.818 to this standard.</li> </ul>
355.808	Personal Restraint	<ul style="list-style-type: none"> <li>● Removed a reference to youth activities supervisor.</li> </ul>
355.818	Preventative Mechanical Restraints	<ul style="list-style-type: none"> <li>● <b>REPEALED.</b></li> <li>● Preventative mechanical restraints are not needed for residents of non-secure facilities.</li> </ul>

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Only certain standards are included. Not a complete version of Chapter 355.

### §355.100. Definitions.

Effective Date: 2/1/18 11/15/13

The following words and terms ~~[when used in this chapter shall]~~ have the following meanings when used in this chapter[.] unless ~~[otherwise expressly defined within the chapter or]~~ the context clearly indicates otherwise.

- (1) **Behavioral Health Assessment**--A mental health assessment conducted by a masters-level mental health provider who is licensed or otherwise authorized to provide mental health services under the statutes [by one of the boards] listed in paragraph ~~(21)~~ (22) of this section and who is qualified by training to conduct all required elements of a behavioral health assessment. At a minimum, a behavioral health assessment must include the following elements:
  - (A) clinical [Clinical] interview;
  - (B) psycho-social [Psycho-social] evaluation, including a history of traumatic events, to include:
    - (i) family history;
    - (ii) community/living environment;
    - (iii) peer relationships; and
    - (iv) academic/vocational history;
  - (C) review [Review] of the following files and associated records in the possession of the juvenile probation department:
    - (i) juvenile probation records;
    - (ii) mental health records;
    - (iii) medical records;
    - (iv) previous mental health testing records; and
    - (v) educational records;
  - (D) parent/guardian [Parent/guardian] interview, unless the parent/guardian is unwilling to participate, and any other collateral interviews the mental health provider deems appropriate, such as a teacher or the child's juvenile probation officer;
  - (E) psychometric [Psychometric] testing, to include:
    - (i) achievement [Achievement] assessment, only if there is no record of an achievement assessment within the last three years;
    - (ii) personality [Personality] assessment, only if there is no record of a personality assessment within the last three years;
    - (iii) intellectual [Intellectual] assessment, only if:
      - (I) there is no record of an intellectual assessment within the last three years; or
      - (II) a new intellectual assessment is indicated by:
        - (-a-) pervasive use of drugs known to impair thought processes;
        - (-b-) traumatic brain injury;
        - (-c-) the child was age 12 or younger on the date of the most recent psychometric testing; or
        - (-d-) obvious impairment in cognitive or interpersonal functioning; and
  - (F) review [Review] of risks, strengths, and recommendations for intervention.
- (2) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department for a single county or a multi-county judicial district.

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- (3) **Contraband**--Any item not issued to employees for the performance of their duties and ~~that [which]~~ employees have not obtained supervisory approval to possess. Contraband also includes any item given to a resident by an employee or other individual ~~that [which]~~ a resident is not authorized to possess or use. Specific items of contraband include, but are not limited to:
- (A) firearms;
  - (B) knives;
  - (C) ammunition;
  - (D) drugs;
  - (E) intoxicants;
  - (F) pornography; and
  - (G) any unauthorized written or verbal communication brought into or taken from an institution for a resident, former resident, associate of a resident, or family members of a resident.
- (4) **Date and Time of Admission**--The date and time a juvenile was admitted into a non-secure correctional facility.
- (5) **Disciplinary Restriction**--The removal of a resident from other residents for behavior modification and the placement of the resident alone for 90 minutes or less.
- (6) **Disciplinary Separation**--The removal of a resident from program activities or other residents for 24 hours or less because of a major rule violation or an imminent physical threat to self or others.
- (7) **Facility Administrator**--The individual designated by the chief administrative officer or governing board of the facility who has the ultimate responsibility for managing and operating the facility. This definition includes the certified juvenile supervision officer who is designated in writing as the acting facility administrator during the absence of the facility administrator.
- (8) **Facility Staff**--All full-time, part-time, temporary, and seasonal staff who are employed or contracted to perform facility-related duties.
- (9) **Governing Board**--A governmental unit (typically a juvenile board) or a board of trustees appointed by the governmental unit that establishes and operates or contracts for the establishment and operation of the facility. The governing board for the facility ~~must [shall]~~ provide oversight of facility operations, policies, and procedures.
- (10) **Hazardous Material**--Any substance that is explosive, flammable, combustible, poisonous, corrosive, irritating, or otherwise harmful and is likely to cause injury or death.
- (11) **Health Assessment**--The process whereby the health status of an individual is evaluated, which may include questioning the patient regarding symptoms.
- (12) **Health Care Professional**--A term that includes physicians, physician assistants, nurses, nurse practitioners, dentists, medical assistants, emergency medical technicians, and others who, by virtue of their education, credentials, and experience, are permitted by law to evaluate and care for patients.
- (13) **Health Service Authority**--The agency, organization, entity, or individual responsible for consulting and collaborating with the facility administrator and/or the health services coordinator to ensure a coordinated and adequate health care system is available to residents of the facility.
- (14) **Housing Area**--An area within the non-secure correctional facility that contains residents.
- (15) **Housing Unit**--A unit within the housing area that may be designed and constructed as either a ~~single-occupancy [single-occupancy]~~ housing unit (SOHU) or a ~~multiple-occupancy [multiple occupancy]~~ housing unit (MOHU).
- (16) **Intra-Jurisdictional Custodial Transfer**--The transfer of a resident from a pre-adjudication or post-adjudication secure facility into a non-secure correctional facility under the same administrative authority.

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- (17) **Juvenile**--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program administered or operated under the authority of the juvenile board.
- (18) **Juvenile Supervision Officer**--~~An individual~~ [A person] whose primary responsibility and essential job function is the supervision of juveniles in a:
- (A) juvenile justice facility; or
  - (B) [a] juvenile justice alternative education program operated by a department that also operates a juvenile justice facility [or under contract with the governing board].
- ~~[(19) **Material Safety Data Sheet (MSDS)**--A document prepared by the supplier or manufacturer of a product clearly stating its hazardous nature, ingredients, precautions to follow, health effects, and safe handling/storage information.]~~
- ~~(19)~~[(20) **Medical Separation**--The removal of a resident from program activities or other residents for medical purposes in accordance with §355.524 of this title.
- ~~(20)~~[(21) **Medical Treatment**--Medical care and [, including] diagnostic testing (e.g., x-rays, laboratory testing[, etc.])[, ] performed or ordered by a physician, advanced practice registered nurse, or physician assistant or performed by [a licensed nurse practitioner,] an emergency medical technician, paramedic, registered nurse (RN), or licensed vocational nurse (LVN) according to their respective licensure.
- ~~(21)~~[(22) **Mental Health Provider**--An individual who is licensed or otherwise authorized to provide mental health services under the following subtitles or chapters of the Texas Occupations Code [by one or more of the following licensing boards]:
- (A) Chapter 110 (sex offender treatment providers);
  - (B) Subtitle B (physicians);
  - (C) Subtitle E (limited to nurse practitioners or clinical nurse specialists who are authorized to practice and hold title in the psychiatric/mental health category as provided in 22 TAC Chapter 221); or
  - (D) Subtitle I (psychologists, marriage and family therapists, licensed professional counselors, chemical dependency counselors, and social workers).
- ~~[(A) Texas State Board of Examiners of Psychologists;]~~
- ~~[(B) Texas State Board of Examiners of Professional Counselors;]~~
- ~~[(C) Texas State Board of Examiners of Marriage and Family Therapists;]~~
- ~~[(D) Texas Department of State Health Services;]~~
- ~~[(E) Texas Medical Board; or]~~
- ~~[(F) Texas State Board of Social Worker Examiners.]~~
- ~~(22)~~[(23) **Mental Health Screening**--A process that includes a series of questions that are designed to identify a resident who is at an increased risk of having mental health disorders that warrant attention and a professional review.
- ~~(23)~~[(24) **Multiple-Occupancy Housing Unit (MOHU)**--A housing unit designed and constructed for multiple-occupancy sleeping.
- ~~(24)~~[(25) **Non-Program Hours**--The time period when the facility's scheduled resident activity has ceased for the day.
- ~~(25)~~[(26) **Non-Secure Correctional Facility (Facility)**--Any public or private residential facility operated solely or partly by or under contract with a juvenile board or governing board in which the construction fixtures, hardware, staffing models, and procedures do not restrict the egress of residents from the facility.

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- ~~(26)~~~~(27)~~ **Physical Training Program**--Any program that requires participants to engage in and perform structured physical training and activity. This does not include recreational team activities or activities related to the educational curriculum (i.e., physical education).
- ~~(27)~~~~(28)~~ **Positive Screening**--A scored result of a completed mental health screening instrument (i.e., MAYSI-2) recommending services requiring a primary service by a mental health provider as described on the MAYSI-2 reference card.
- ~~(28)~~~~(29)~~ **Premises**--One or more buildings [A building(s)] together with their [its] grounds or other appurtenances.
- ~~(29)~~~~(30)~~ **Program Hours**--The time period when the facility schedules activities for the resident population.
- ~~(30)~~~~(31)~~ **Qualified Individual**--A person who may supervise residents when working with residents in a capacity that relates to the person's qualifications.
- ~~(31)~~~~(32)~~ **Qualified Mental Health Professional**--An individual employed by the local mental health authority or an entity who contracts as a service provider with the local mental health authority who meets the definition of a qualified mental health professional in the administrative rules adopted by [guidelines of] the Texas Department of State Health Services.
- ~~(32)~~~~(33)~~ **Rated Capacity**--The maximum number of beds available in a facility that were architecturally designed or redesigned as a housing unit.
- ~~(33)~~~~(34)~~ **Resident**--A juvenile who is placed in the non-secure correctional facility.
- ~~(34)~~~~(35)~~ **Riot**--A situation in which three or more residents in the facility intentionally participate in conduct that constitutes a clear and present danger to persons or property and substantially obstructs the performance of facility operations or a program therein. Rebellion is a form of riot.
- ~~(35)~~ **Safety Data Sheet**--A document prepared by the supplier or manufacturer of a product clearly stating its hazardous nature, ingredients, precautions to follow, health effects, and safe handling/storage information.
- (36) **Secondary Screening**--A triage process that is brief and designed to clarify if a resident is in need of intervention or a more comprehensive assessment and what type of intervention or assessment is needed.
- (37) **Single-Occupancy Housing Unit (SOHU)**--A housing unit designed and constructed with separate and individual resident sleeping quarters.
- (38) **TJJD**--The Texas Juvenile Justice Department.
- (39) **Volunteer**--An individual who agrees to perform services without compensation and may have regular or periodic supervised contact with juveniles under the direction of the non-secure correctional facility.
- ~~(40)~~ ~~**Youth Activities Supervisor**--Regardless of title, an individual whose primary responsibility and essential job function is the supervision of juveniles strictly in a non-secure setting within a juvenile justice program or facility other than a juvenile justice alternative education program.]~~
- ~~(40)~~~~(41)~~ **Youth-on-Youth Sexual Conduct**--Two or more juveniles, regardless of age, who engage in deviate sexual intercourse, sexual contact, sexual intercourse, or sexual performance as those terms are defined in subparagraphs (A) - (D) of this paragraph:
- (A) "Deviate sexual intercourse" means:
- (i) any contact between any part of the genitals of one person and the mouth or anus of another person; or
  - (ii) the penetration of the genitals or the anus of another person with an object.
- (B) "Sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:

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- (i) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a person; or
  - (ii) any touching of any part of the body of a person, including touching through clothing, with the anus, breast, or any part of the genitals of a person.
- (C) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (D) "Sexual performance" means acts of a sexual or suggestive nature performed in front of one or more persons, including simulated or actual sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola.
- (E) A juvenile may not consent to the acts as defined in this paragraph under any circumstances. Consent may not be implied regardless of the age of the juvenile.

### ~~§355.230. Criminal History Searches.~~

Effective Date: 11/15/13

~~[All staff, including contract staff, volunteers, and interns, shall have criminal history searches in accordance with Chapter 344 of this title.]~~

### §355.404. Designation ~~[and Qualifications]~~ of Facility Administrator. Effective Date: 2/1/18 11/15/13

~~[(a)]~~ The chief administrative officer or the governing board of the facility or the governing board's designee must ~~[shall]~~ designate a single facility administrator for each non-secure facility.

~~[(b)]~~ ~~The facility administrator shall:~~

~~[(1)]~~ ~~have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;~~

~~[(2)]~~ ~~have either:~~

~~[(A)]~~ ~~one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by TJJD; or]~~

~~[(B)]~~ ~~one year of experience in full-time case work, counseling, or community or group work in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons, as determined by TJJD; and]~~

~~[(3)]~~ ~~maintain an active TJJD certification as a juvenile supervision officer.]~~

### §355.406. Duties of Facility Administrator.

Effective Date: 2/1/18 11/15/13

- (a) The facility administrator is ~~[shall be]~~ responsible for the daily operations of the facility and must ~~[shall]~~ maintain an office on the grounds of the facility.
- (b) The facility administrator must ~~[shall]~~ designate a certified juvenile supervision officer to be in charge during his or her absence from the facility.
- (c) The facility administrator must ~~[shall]~~ develop, implement, and maintain a policies and procedures manual for the facility and must ~~[shall]~~ ensure the daily facility practice conforms to the policies and procedures detailed in the manual.
- (d) The facility administrator must ~~[shall]~~ review the facility's policies and procedures manual at least once each year, no later than the last day of the calendar month of the previous year's review, and maintain documentation of this review.
- (e) The facility administrator must ~~[shall]~~ make the policies and procedures manual available to all employees of the facility.

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- (f) The facility administrator must ~~[shall]~~ ensure that all employees of the facility are:
- (1) trained on the policies and procedures manual provisions relevant to the employee's job functions during new employee orientation or prior to beginning service at the facility ~~[and maintain documentation of that training]~~; and
  - (2) notified of all changes or modifications to the policies and procedures manual in a timely manner.

~~(g)~~ The facility administrator must maintain documentation of the training described in subsection (f) of this section.

~~(h)~~~~(g)~~ The facility administrator or designee must ~~[shall]~~ ensure that current, accurate, and confidential personnel records are maintained for each employee, which must ~~[shall]~~ include:

- (1) proof of age;
- (2) documentation of criminal background checks conducted as required by Chapter 344 of this title;
- (3) the completed application for employment;
- (4) training records; and
- (5) documentation of promotion, demotion, termination, and other personnel actions.

~~(i)~~~~(h)~~ The facility administrator ~~[or chief administrative officer]~~ of a private entity under contract with a governmental unit in this state must ~~[shall]~~ provide the presiding officer of the juvenile board with jurisdiction over ~~[of]~~ the facility with periodic updates on the operation of the facility, including the following information to be provided at least every quarter:

- (1) facility population and capacity ~~[population/capacity]~~ reports;
- (2) number of serious incidents, by category, that occurred in the facility;
- (3) number of resident restraints by type (e.g., personal and mechanical);
- (4) number of injuries to residents requiring medical treatment; and
- (5) number of injuries to staff requiring medical treatment.

~~(j)~~~~(i)~~ The facility administrator or chief administrative officer must ~~[shall]~~ ensure the accurate and timely submission of statistical data to TJJJ in an electronic format or other format as requested by TJJJ.

~~(k)~~~~(j)~~ The facility administrator or chief administrative officer must ~~[shall]~~ ensure that all ~~[individuals employed by the facility who have unsupervised contact with residents are subjected to all required]~~ criminal history and background checks as required by Chapter 344 of this title are completed.

### §355.426. Housing Records.

Effective Date: 2/1/18 11/15/13

For each housing unit in the facility, the following documentation must ~~[shall]~~ be maintained:

- (1) a daily chronological log or electronic record documenting the resident's or housing unit's activity that identifies the juvenile supervision officers ~~[or youth activities supervisors]~~ supervising the residents;
- (2) a daily report of admissions and releases; and
- (3) a population roster compiled as of 5:00 a.m. each day that includes, ~~[shall include]~~ at a minimum:
  - (A) the date and time the roster was compiled;
  - (B) the name of all residents in the facility;
  - (C) the sex of all residents in the facility;
  - (D) the housing assignment location (i.e., the location where the resident sleeps) of all residents in the facility; and
  - (E) the numerical total of the resident population for each day.



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### §355.428. Qualifications to Provide Resident Supervision.

Effective Date: ~~2/1/18~~ 11/15/13

- (a) A juvenile supervision officer ~~[or youth activities supervisor]~~ may provide resident supervision only if he or she:
- (1) is currently certified as a juvenile supervision officer and, if applicable, has received the facility-specific training required in §355.429 of this title ~~[or youth activities supervisor];~~ or
  - (2) meets the following criteria:
    - (A) has not exceeded the deadline for submitting a certification application established by Chapter 344 of this title; [has been employed by the facility less than 180 calendar days and]
    - (B) has completed all training required by §344.622 and §344.624 of this title; and [at least 40 hours of training, which shall include the mandatory topics as outlined in Chapter 344 of this title, as well as current certification in CPR, first aid, and a personal restraint technique approved by TJJD.]
    - (C) has passed the certification exam for juvenile supervision officers.
- (b) A juvenile supervision officer who fails to meet the requirements in subsection (a) of this section may not:
- (1) be included in the juvenile supervision officer-to-resident ratios listed in this chapter; or
  - (2) perform any duties of a juvenile supervision officer listed in this title.

### §355.429 Additional Training Required for Certified Officers Hired by a Different Department

Effective Date: 2/1/18

- (a) If a certified juvenile supervision officer is hired by a department or a private facility other than the one where the officer was employed at the time of receiving his or her certification, the officer must receive facility-specific training in the following topics as they relate to the duties of a juvenile supervision officer at the new department or facility:
- (1) suicide prevention plan;
  - (2) preventing, identifying, and reporting abuse, neglect, and exploitation;
  - (3) verbal de-escalation policies, procedures, and practices;
  - (4) resident supervision, including resident behavior observation and documentation requirements;
  - (5) behavior management, including the resident discipline plan;
  - (6) facility safety and security;
  - (7) referral of residents in need of medical, mental health, or dental services, as identified by staff or reported by residents;
  - (8) fire safety plan, including fire drill procedures;
  - (9) non-fire emergency and evacuation procedures;
  - (10) recognizing and responding to mental health needs of residents;
  - (11) resident grievance procedures;
  - (12) transportation of juveniles; and
  - (13) searches of juveniles.
- (b) A juvenile supervision officer who has not completed the training as required by subsection (a) of this section may not:
- (1) be included in the juvenile supervision officer-to-resident ratios listed in this chapter; or
  - (2) perform any duties of a juvenile supervision officer listed in this title.

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### §355.430. Supervision Requirements.

Effective Date: 2/1/18 ~~11/15/13~~

(a) **Ratios.**

Ratios of juvenile supervision officers ~~[or youth activities supervisors]~~ to residents on facility premises must [shall] adhere to the requirements set forth in this standard and be documented in policies and procedures.

- (1) Regardless of the ratio requirements established in paragraphs (2) and [-] (3) of this subsection, at least one juvenile supervision officer must [shall] be on duty at all times.
- (2) During program hours, the ratio must [shall] be at least one juvenile supervision officer ~~[or youth activities supervisor]~~ for every 12 residents.
- (3) During non-program hours, the ratio must [shall] be at least one juvenile supervision officer ~~[or youth activities supervisor]~~ for every 24 residents.
- (4) A juvenile supervision officer ~~[or youth activities supervisor]~~ may be counted in the ratio only if requirements of §355.428 and, if applicable, §355.429 of this title are met.

(b) **Same-Gender Supervision Requirement.**

- (1) Policies and practice must [shall] ensure at least one juvenile supervision officer ~~[or youth activities supervisor]~~ of each gender represented in the resident population is on duty and available to the residents on every shift.
- (2) Cross-gender supervision is [shall be] prohibited during showers, physical searches, pat downs, disrobing of suicidal residents, or other times in which personal hygiene practices or needs would require the presence of a staff member of the same gender. However, if the resident is behind a closed, windowless door to shower or care for other personal hygiene needs, a same-gender staff member is not required. The requirements of this standard must [shall] be detailed in the facility's policies and procedures.

(c) **Level of Supervision.**

(1) **Program Hours.**

- (A) A juvenile supervision officer must [or youth activities supervisor shall] provide direct supervision for residents during all program activities occurring on the facility's premises, except as described in paragraph (2) of this subsection.
- (B) The facility must [shall] conduct two documented resident counts during program hours. To count a resident as present, the staff member must [shall] visually observe the resident. Each count must [shall] include:
  - (i) the physical location of each resident;
  - (ii) for residents who are on the facility's premises, the resident's current activity; and
  - (iii) for residents who are off the facility's premises, the reason for the off-premises activity.

(2) **Groups Supervised by Qualified Individuals.**

Residents may be supervised by a qualified individual when the individual is working with the residents in a capacity that relates to the individual's:

- (A) work experience;
- (B) relevant training;
- (C) specialized licensure; or
- (D) certification.

(3) **Non-Program Hours.**

- (A) A juvenile supervision officer must [or youth activities supervisor shall] visually observe and document each resident at random intervals not to exceed 15 minutes in a SOHU.

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- (B) A juvenile supervision officer ~~must [or youth activities supervisor shall]~~ have constant visual observation of residents in a MOHU and ~~must [shall]~~ document general observations of dorm activity at intervals not to exceed 30 minutes. If the physical configuration of the MOHU does not allow for constant visual observation of all residents, a juvenile supervision officer ~~must [or youth activities supervisor shall]~~ visually observe and document each resident at random intervals not to exceed 15 minutes.
- (C) A juvenile supervision officer ~~must [or youth activities supervisor shall]~~ document each visual observation made of residents. The documentation ~~must [shall]~~ include the time of the observation.

### ~~§355.434. Primary Control Room.~~

~~Effective Date: 11/15/13~~

~~[A juvenile supervision officer or youth activities supervisor stationed in and assigned to the facility's primary control room(s) shall not count toward meeting any required ratios required by this subchapter.]~~

### §355.520. Confidentiality of Health Care [Healthcare] Encounters.

Effective Date: ~~2/1/18~~ 11/15/13

- (a) All medical and mental health screenings and assessments ~~must [shall]~~ be conducted in a confidential setting consistent with facility operations and security.
- (b) All interactions between a resident and a health care professional that involve treatment or an exchange of confidential medical information ~~must [shall]~~ be conducted in private. The facility's policies and procedures may authorize a juvenile supervision officer ~~[or youth activities supervisor]~~ to be present in the following situations:
  - (1) if the resident poses a substantial risk to the safety of the health care professional or others;
  - (2) if the facility has a written policy requiring the presence of a juvenile supervision officer ~~[or youth activities supervisor]~~ during health care encounters [medical treatment];
  - (3) if the health care professional or resident requests the presence of a juvenile supervision officer ~~[or youth activities supervisor]~~ during the health care encounter [treatment]; or
  - (4) if the circumstances or situation indicate the presence of a juvenile supervision officer ~~[or youth activities supervisor]~~ is necessary and prudent.

### §355.524. Medical Separation.

Effective Date: ~~2/1/18~~ 11/15/13

Medical separation may be authorized as a health precaution at the direction of a health care professional or the facility administrator.

- (1) The reasons for the medical separation of a resident ~~must [shall]~~ be documented and a copy placed in the resident's file.
- (2) If a resident has been placed in medical separation by a facility administrator for over 24 hours, the health care concern ~~must [shall]~~ be addressed by a health care professional in accordance with the health service plan. Upon completion of the health care professional's evaluation, the facility ~~must [shall]~~ obtain a written recommendation as to the need for the resident's continued medical separation and ongoing treatment services from the health care professional.
- (3) During medical separation, a juvenile supervision officer ~~must [or youth activities supervisor shall]~~ personally observe and record the resident's behavior at random intervals not to exceed 15 minutes if the youth is placed behind an architectural barrier.

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### §355.536. Supervision of High-Risk Suicidal Youth.

Effective Date: ~~2/1/18~~ 11/15/13

- (a) **Supervision.** Residents classified as high risk for suicidal behavior who are awaiting an assessment by a mental health provider or transfer or release ~~[or]~~ as described in §355.534(b) of this title ~~must~~ ~~[shall]~~ be:
- (1) provided constant, uninterrupted supervision by a certified juvenile probation officer ~~or~~ certified juvenile supervision officer ~~[, or certified youth activities supervisor]~~; and
  - (2) the supervising staff member ~~must~~ ~~[shall]~~ document his or her personal observations of the high-risk resident at intervals not to exceed 30 minutes.
- (b) **Required Documentation.** The following documentation ~~must~~ ~~[shall]~~ be maintained for high-risk suicidal residents:
- (1) the date and time the resident was classified as high risk for suicidal behavior;
  - (2) name and title of the person who classified the resident as high risk for suicidal behavior;
  - (3) a description of the resident's behavior and/or factors that led to the resident's classification as high risk for suicidal behavior;
  - (4) name of the certified juvenile probation officer ~~or~~ certified juvenile supervision officer ~~[, or certified youth activities supervisor]~~ providing supervision of the resident;
  - (5) the location of the resident's supervision;
  - (6) the date and time the resident was reclassified as no longer being at high risk for suicidal behavior; and
  - (7) the name and title of the mental health provider or physician who recommended the reclassification of the resident as no longer being at high risk for suicidal behavior.

### §355.538. Supervision of Moderate-Risk Suicidal Youth.

Effective Date: ~~2/1/18~~ 11/15/13

- (a) **Observation.** Any time a resident is classified as a moderate risk for suicidal behavior and is not under constant visual observation, a juvenile supervision officer ~~must~~ ~~[or youth activities supervisor shall]~~ personally observe and record the resident's behavior at random intervals not to exceed ten minutes.
- (b) **Required Documentation.** When providing supervision at random intervals, the juvenile supervision officer ~~must~~ ~~[or youth activities supervisor shall]~~ document:
- (1) the date and time the resident was classified as moderate risk for suicidal behavior;
  - (2) the location of the resident's supervision;
  - (3) the name of the juvenile supervision officer ~~[or youth activities supervisor]~~ providing supervision of the resident;
  - (4) each visual observation made and the time of the observation; and
  - (5) a general description of the resident's behavior.

### §355.638. Disciplinary Restriction.

Effective Date: ~~2/1/18~~ 11/15/13

- (a) Disciplinary restriction may be used for minor rule infractions, major rule violations, imminent physical threat, or preventive behavior modifications. Disciplinary restriction ~~may~~ ~~[shall]~~ not exceed 90 minutes for the same incident.
- (b) If the resident is behind an architectural barrier during the period of restriction, a juvenile supervision officer ~~must~~ ~~[or youth activities supervisor shall]~~ personally observe and record the resident's behavior at random intervals not to exceed 15 minutes.

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### §355.640. Disciplinary Separation.

Effective Date: ~~2/1/18~~ 11/15/13

- (a) Disciplinary separation may be used only when a resident commits a major rule violation or poses an imminent physical threat to self or others. Disciplinary separation may ~~[shall]~~ not exceed 24 hours for the same incident.
- (b) A written disciplinary report that describes the resident's precipitating behavior and identifies the staff's response must ~~[shall]~~ be completed promptly, but no later than the end of the shift on which the disciplinary separation occurs. The report must ~~[shall]~~ be submitted immediately to the facility administrator for review.
- (c) If the resident is behind an architectural barrier during the period of disciplinary separation, a juvenile supervision officer must ~~[or youth activities supervisor shall]~~ personally observe and record the resident's behavior at random intervals not to exceed 15 minutes.
- (d) Any time period a resident is placed in disciplinary separation is ~~[shall be]~~ continuous and includes ~~[shall include]~~ non-program hours.

### §355.802. Restraint Requirements.

Effective Date: ~~2/1/18~~ 11/15/13

- (a) Restraints may ~~[shall only]~~ be used only by juvenile supervision officers~~[-youth activities supervisors,]~~ and juvenile probation officers.
- (b) Prior to participating in any restraint, juvenile probation officers~~[-youth activities supervisors,]~~ and juvenile supervision officers must ~~[shall]~~ be trained in the use of the facility's specific verbal de-escalation policies, procedures, and practices.
- (c) Prior to participating in a restraint, juvenile probation officers~~[-youth activities supervisors,]~~ and juvenile supervision officers must ~~[shall]~~ have received training and demonstrated competency in the TJJJ-approved restraint used by the facility.
- (d) Restraints may ~~[shall only]~~ be used only in instances of an imminent threat of self-injury, injury to others, or serious property damage.
- (e) Restraints may ~~[shall only]~~ be used only as a last resort.
- (f) Only the amount of force and type of restraint necessary to control the situation may ~~[shall]~~ be used.
- (g) Restraints must ~~[shall]~~ be implemented in such a way as to protect the health and safety of the resident and others.
- (h) Restraints must ~~[shall]~~ be terminated as soon as the resident's behavior no longer indicates an ~~[that the]~~ imminent threat of self-injury, injury to others, or serious property damage~~[-or the threat of escape has subsided]~~.

### §355.804. Restraint Prohibitions.

Effective Date: ~~2/1/18~~ 11/15/13

Restraints that employ a technique listed in this section are prohibited:

- (1) restraints used for punishment, discipline, retaliation, harassment, compliance, intimidation, or as a substitute for an appropriate disciplinary separation;
- (2) restraints that deprive the resident of basic human necessities, including restroom opportunities ~~[privileges]~~, water, food, and clothing;
- (3) restraints that are intended to inflict pain;
- (4) restraints that place a resident in a prone or supine position with sustained or excessive pressure on the back, chest, or torso;
- (5) restraints that place a resident in a prone or supine position with pressure on the neck or head;
- (6) restraints that obstruct the resident's airway, including a procedure that places anything in, on, or over the resident's mouth or nose or around the resident's neck;

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- (7) restraints that interfere with the resident's ability to communicate;
- (8) restraints that obstruct the view of the resident's face;
- (9) any technique that does not require the monitoring of the resident's respiration and other signs of physical distress during the restraint;
- (10) percussive or electrical shocking devices;
- (11) chemical restraints; ~~[and]~~
- ~~(12) mechanical restraints that secure a resident to any part of a vehicle or to another resident; or~~
- ~~(13)[(12)] non-ambulatory restraints.~~

### §355.808. Personal Restraint.

Effective Date: ~~2/1/18~~ 4/15/13

In addition to the requirements found in §§355.802, 355.804, and 355.806 of this title, the use of personal restraints ~~is [shall be]~~ governed by the following criteria:

- (1) Personal restraints ~~must [shall]~~ be administered in a manner specific ~~to[;]~~ or consistent ~~with[;to]~~ the approved personal restraint technique adopted by the facility.
- (2) Juvenile supervision officers~~[-youth activities supervisors,]~~ and ~~juvenile~~ probation officers ~~must [shall]~~ be restrained in the approved personal restraint technique selected by the facility according to the requirements of the particular technique or at least every 365 calendar days, whichever time frame is shorter.

### ~~§355.818. Preventative Mechanical Restraints.~~

Effective Date: 11/15/13

- ~~[(a) — For resident, staff, and public safety purposes, a resident may be placed in ankle cuffs, handcuffs, wristlets, or a waist belt absent the imminent threat requirements enumerated in §355.802(d) of this title. These types of preventative mechanical restraints are authorized under the following circumstances:]~~
- ~~[(1) — **Intra-facility relocation.** Mechanical restraints may be used when moving a resident from point to point within a secure facility. The mechanical restraint devices shall be removed upon completion of the resident's relocation.]~~
  - ~~[(2) — **Vehicular transport.** A resident shall not be secured to:]~~
    - ~~[(A) — any part of the vehicle; or]~~
    - ~~[(B) — another resident.]~~
  - ~~[(3) — **Off-site activities.** Mechanical restraints may be used when a resident is required to leave the facility premises.]~~
- ~~[(b) — The routine, preventative mechanical restraint applications used in this section are exempt from the documentation requirements contained in §355.806 of this title, except when:]~~
- ~~[(1) — the resident's cooperation is compelled through the use of a personal restraint;]~~
  - ~~[(2) — the resident receives an injury in relation to the restraint event or restraint devices; or]~~
  - ~~[(3) — the resident's behavior escalates to the imminent threat criteria listed in §355.802(d) of this title.]~~