

CHAPTER 43
RESIDENTIAL FACILITIES
[Prior to 3/20/91, Corrections Department[291]]

201—43.1(905,907,908,910) Residential facilities.

43.1(1) The facility shall admit residents in accordance with the correctional continuum, court order, release order from board of parole, or purchase of service agreement contract with the department of corrections, federal correctional agencies or a county board of supervisors.

43.1(2) At the time of intake, the facility staff shall discuss with each resident program goals, services available, rules governing conduct in the facility, disciplinary procedures, client fiscal management and residents' rights, communication privileges and all federal Prison Rape Elimination Act (PREA) orientation and education standards and shall obtain written documentation from the resident that these matters were discussed.

43.1(3) The district department shall have written policies and procedures governing when and how a resident's property is inventoried and recorded, and the same shall be utilized for all residents.

43.1(4) The district department shall have written policies and procedures which ensure a case record is maintained on each resident of the facility.

43.1(5) The district department shall have written policies which establish facility rules, possible sanctions, appeal procedures and PREA standards that comply with all federal standards for all residents.

43.1(6) The district department shall have written policies which establish a grievance procedure for residents which applies to activities other than disciplinary action.

43.1(7) The district department shall have written policies and procedures establishing criteria governing the use of and reporting of the use of physical force by facility staff which conform to appropriate statutes or regulations.

43.1(8) The district department shall have written policies and procedures for searching residents and their property and for seizure of resident property or contraband.

43.1(9) The district department shall have a written policy which ensures that at least one staff member is readily available to residents 24 hours a day. Facility staff shall know the whereabouts of all residents.

43.1(10) The district department staff shall ensure the provision and maintenance of a safe environment for the residents, including compliance with fire, building, health, and safety regulations or standards applicable in the local jurisdiction.

43.1(11) Infectious disease.

a. In compliance with Iowa Code section 905.15, the district department shall have written policies and procedures to prevent the transmission of contagious infectious disease, including notification to facility personnel if any person committed to the facility is found to have a contagious infectious disease.

b. The district department shall refer for a medical examination any resident suspected of having a communicable disease, which safeguards both residents and employees. Employees who contract a communicable disease, except common colds, should not be permitted to work in a facility until the danger of contagion is ended. For purposes of this rule, communicable disease shall mean any disease which is transmittable from one person to another and is either temporarily or permanently debilitating.

43.1(12) The district department shall have written policies and procedures which govern the medical care of residents in case of emergencies, sudden illnesses, or accidents.

43.1(13) The district department shall have written policies and procedures governing the method of handling prescription and nonprescription drugs.

43.1(14) The district department shall have written policies and procedures which ensure that all residents have access to three meals a day during the week and two meals on weekend days and that meals provided at the facility meet recognized minimum daily nutritional requirements.

43.1(15) The district department shall have written policies which ensure that if food service is provided, all facilities including kitchen equipment and food handlers comply with applicable health and safety laws and regulations as evidenced by a certificate of rating from the Iowa department of agriculture and land stewardship or local restaurant inspection unit.

43.1(16) The district department shall have written policies and procedures that are consistent with risk reduction for recommending removal and revocation of resident status at the facility.

43.1(17) The district department shall have written policies and procedures for discharge from the facility and which require a recommendation for discharge when it is clear that the resident has met the requirements of the court, is no longer believed to be a threat to the community, or cannot benefit substantially from further supervision.

43.1(18) Districts shall have statewide approved written policies and procedures which ensure the use of the statewide case management system. Districts will use the statewide approved and validated risk/needs instrument that assesses and addresses client risk, criminogenic needs and protective factors in an effort to mitigate the probability for future violence, criminal behavior and victimization. By stratifying risk using the risk-need-responsivity model, districts will focus the majority of their resources on clients who pose a greater risk to reoffend ensuring that all moderate-high risk clients receive evidence-based case planning and case management using the risk-need-responsivity model and core correctional practices to include: ongoing risk needs assessment, case plan follow-up and documentation, transfer of records, staff training, and continuous quality improvement.

This rule is intended to implement Iowa Code section 907.3 and chapters 905, 908 and 910.
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; ARC 4152C, IAB 12/5/18, effective 11/14/18]

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[Filed Emergency ARC 4152C, IAB 12/5/18, effective 11/14/18]

¹ September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.