

## Notice of Public Hearing

LSA Document #22-72

**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on June 2, 2022, at 11:00 a.m., at the Indiana Government Center South, 302 West Washington Street, Conference Center Room 19, Indianapolis, Indiana, the Department of Correction will hold a public hearing on proposed rules concerning the juvenile detention standards.

The purpose of this hearing is to receive comments from the public. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed rule.

Since juvenile detention facilities are unique it is hard to determine which standards might fiscally impact each local detention facility specifically. Listed below are all the changes to the juvenile detention standards which may require costs to certain local detention centers.

A fiscal impact toolkit was developed and sent out in February 2021 to measure a detention facility's current level of compliance with the new standards, and if noncompliant, the extent of any fiscal impact to achieve compliance. All nineteen (19) juvenile detention facilities were provided the fiscal impact toolkit; of those, twelve (12) of the detention facilities completed the toolkit. A potential fiscal impact was reported for a total of nine (9) standards.

**Safety Standards****[210 IAC 8-4-2](#): Fire Safety Codes**

Two facilities indicated a fiscal impact. One facility stated that the fiscal impact will be associated with "an annual ninety (90) minute backup battery test for exit signs and a quarterly inspection for sprinkler system, and a biannual inspection for food service hood suppression systems". The other facility stated that their fiscal impact is associated with the quarterly inspection for the sprinkler system. Their estimated cost is respectively, \$5,000 annually and \$840 annually.

**[210 IAC 8-4-31](#): Alternative Power Source**

Two facilities indicated a fiscal impact. Both facilities stated that the fiscal impact is associated with an "active, effective physical plant maintenance program that includes a proactive, written preventative maintenance plan, provisions for emergency repair in a life threatening situation, a reporting or work order request and response system to document and track needed repairs, weekly power generator inspections and quarterly load tests, and quarterly emergency equipment and systems tests". The estimated cost for one facility is \$1,950.45 annually, and for the other, the cost is unknown until they consult with a building authority.

**Security Standards****[210 IAC 8-5-16](#): Four-Point or Five-Point Restraints**

One facility indicated a fiscal impact. The facility indicated that the fiscal impact is associated with "the health care authority, or designee, must be notified as soon as possible and within fifteen (15) minutes of restraint and a medical therapeutic restraint order must be obtained from a qualified mental health professional for all restraints necessary beyond one (1) hour". The facility stated that the estimated cost associated with this standard depends on who can be the health care authority.

**Medical Standards****[210 IAC 8-8-20](#): Health Assessment and Examination**

Two facilities indicated a fiscal impact. Both facilities indicated that the fiscal impact is associated with "orders for laboratory or diagnostic tests to detect, at a minimum, the following communicable disease and sexually transmitted diseases: chlamydia (for sexually active females), gonorrhea (for sexually active females), and tuberculosis. Also, performing other tests and examinations and initiation of therapy, as/when appropriate". The estimated cost associated with this standard is \$9,000-\$10,000 for one of the facilities and \$40,000\* for the other.

\*The facility that indicated a fiscal impact of \$40,000 stated that this was an estimation of what they would spend for this standard. For their 2020 data report this facility, with a rate capacity of fourteen (14), indicated that their average daily population for twelve (12) months was twelve (12) juveniles with an average stay of fifteen (15) days. There was no data collected to indicate gender.

**[210 IAC 8-8-25](#): Female Health Care**

Two facilities indicated a fiscal impact. They indicated that the impact comes from "providing that female juveniles receive the following services, when necessary; obstetrical, gynecological, family planning, health education, and pregnancy management". The estimated cost at one facility is roughly \$150 per juvenile, while the other facility reported that they cover the cost that the juvenile's insurance does not cover.

**[210 IAC 8-8-39](#): Management of Tuberculosis**

Three facilities indicated a fiscal impact. The facilities indicated that there will be a fiscal impact from the screening and treatment of tuberculosis. The estimated fiscal impact reported by the facilities is \$10 per juvenile from two facilities and \$22 per juvenile from the remaining facility.

*Mental Health Standards*

[210 IAC 8-9-5: Written Suicide Prevention Program](#)

*One facility indicated a fiscal impact. The facility indicated that the fiscal impact is associated with "requiring a mental health authority reviewing and signing the suicide-prevention program annually". The facility indicated that the estimated cost for this standard is unknown.*

[210 IAC 8-9-9: Substance Abuse Treatment](#)

*One facility indicated a fiscal impact. The facility indicated that the fiscal impact is associated with the "detoxification from alcohol, opiates, hypnotics, other stimulants, and sedative hypnotic drugs is conducted in a hospital or community detoxification center". The facility did not provide a cost associated with this standard but did say they could not meet this provision.*

*Education Standards*

[210 IAC 8-11-2: Comprehensive Education Program](#)

*Two facilities indicated a fiscal impact. Both facilities indicated that the fiscal impact is associated with needing to "operate a minimum of two hundred ten (210) instructional days a year". One facility said that the estimated cost would be \$6,750 annually and the other said that the cost would be based on bringing a teacher in-house and the added costs of supplies, FICA, SUTA, and benefits.*

*Full text of the proposed rule can be viewed on the Department of Correction website at [www.in.gov/idoc](http://www.in.gov/idoc).*

*The rule is available to be inspected and copied at the office of the Department of Correction, 302 West Washington Street, Room E334, Indianapolis, Indiana.*

Elise Gallagher  
Staff Attorney  
Department of Correction

*Posted: 05/04/2022 by Legislative Services Agency*  
An [html](#) version of this document.