

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 450.000: MINIMUM HEALTH AND SANITATION STANDARDS FOR DYS SECURE RESIDENTIAL FACILITIES

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450.001: Purpose

The purpose of 105 CMR 450.000 is to provide minimum health and sanitation standards for DYS secure residential facilities. The Department is required to take cognizance of the health, comfort and convenience of all of the citizens of the Commonwealth and to advise the government concerning the location and other sanitary condition of any public institution. Pursuant to M.G.L. c. 111, § 21 the Department is required to make rules for houses of detention, and reformatories regarding the care and use of eating and drinking cups and dishes used for food, bedding, appropriate clothing for residents, ventilation of buildings, and minimum plumbing facilities for human habitation, and the general health and safety of the resident.

450.002: Authority

105 CMR 450.000 is adopted under authority of M.G.L. c. 111, §§ 2, 5, and 21 and c. 30A, § 3.

450.003: Citation

105 CMR 450.000 shall be known, and cited as, 105 CMR 450.000: *Minimum Health and Sanitation Standards and Inspection Procedures for DYS Secure Residential Facilities*.

450.010: Scope

105 CMR 450.000 applies to every DYS Secure Residential Facility operated by, or for, the Department of Youth Services.

450.020: Definitions

The words, terms or phrases listed in 105 CMR 450.020, for the purpose of 105 CMR 450.000, shall be defined as follows:

Administrator means the chief administrative officer of a DYS secure residential facility.

Commissioner means the Commissioner of the Department of Public Health appointed pursuant to M.G.L. c. 17, § 2.

Department means the Department of Public Health established pursuant to M.G.L. c. 17.

DYS means the Department of Youth Services established pursuant to M.G.L. c. 18A.

DYS Secure Residential Facility means any facility, building, enclosure, operated by, or under contract to, the Department of Youth Services and characterized by locked entrances and exits, and other physically restrictive construction intended to prevent a resident from departing without the approval of the Department of Youth Services. Said facility may include space within a house of detention, detention center, house of correction or reformatory operated by, or under contract to the Department of Youth Services pursuant to M.G.L., c. 120, § 1, for the secure detention of committed juvenile offenders and of such other juveniles as may be placed in custody therein.

Easily Cleanable means readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

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Existing Facility means a DYS secure residential facility in operation on January 2, 2003, but does not include portions of the facility not in operation on January 2, 2003, nor a facility or portion of a facility temporarily taken out of use after January 2, 2003 for major construction or renovations.

Exterminate means to eliminate insects, rodents, and other pests.

Facility means a DYS secure residential facility.

Fire Retardant means having or providing comparatively low flammability or flame spread properties.

Garbage means the animal, vegetable, or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans which have contained food, unless such containers and cans have been cleaned or prepared for recycling.

Habitable Space means any space used or intended to be used for living, sleeping, cooking, or eating purposes.

New Facility means any facility first used as a DYS secure residential facility after January 2, 2003.

Occupiable Space means a room or enclosed space in which individuals congregate for educational, recreational or similar purposes, or in which individuals are engaged at labor.

Program Director means the employee of the Department of Youth Services who, under delegation from and under the supervision of the Commissioner, is responsible with subordinate staff for carrying out the functions assigned by the Department relative to DYS secure residential facilities. Said program director shall also mean a contractor serving in this capacity in a secure residential facility under contract with DYS.

Renovations means major remodeling or structural repairs such as the subdivision, expansion or gutting and reconstruction of habitable or occupiable space for DYS secure residential facility purposes.

Resident means a client of the Department of Youth Services who is a juvenile offender in the care and custody of a DYS secure residential facility

Rubbish means combustible and noncombustible waste material, except garbage, and includes but is not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, cans, metal, mineral matter, glass, crockery, dust, and the residue from the burning of wood, coal, coke and other combustible materials.

Sanitize means to apply effective bactericidal treatment to clean surfaces by a process that is effective in destroying microorganisms, including pathogens.

Stairway means any group of three or more risers.

450.101: Blankets

Each resident shall be provided with blankets sufficient to maintain personal comfort. Blankets shall be replaced when worn. Each blanket shall be cleaned between use by different residents. If used continuously by one individual, each blanket shall be cleaned at least every three months, and more often if needed.

450.102: Linens

Each resident shall be provided with two clean sheets, a pillow case, and two towels. This linen shall be in good condition and cleaned at least once each week or more often if necessary.

450.103: Pillows

Each resident shall be provided with at least one fire-retardant pillow, in good condition. Every pillow shall be cleaned between use by different residents.

450.104: Mattresses

Each resident shall be provided with a clean, comfortable and fire-retardant mattress in good condition. Mattresses that produce toxic gases when ignited are not allowed. Each mattress shall be renovated or replaced when soiled or when otherwise necessary. Each mattress shall be covered with a material that is easily cleanable, fire-retardant and does not produce toxic gases when burned.

450.105: Beds

Each resident shall be provided with a bed in good condition, elevated at least eight inches off the floor.

450.110: Toilet and Handwash Facilities Generally

Adequate and conveniently located toilet and handwashing facilities shall be provided for all residents and employees of each facility. A handwashing sink shall be located near each toilet.

450.111: Toilet Supplies

At all times each toilet shall be supplied with toilet paper and each handwashing sink shall be supplied with soap and disposable towels or electric hand dryers. Adequate waste receptacles shall be conveniently located near all handwashing facilities.

450.112: Access to Toilet Facilities

Each resident and each employee shall have access to a toilet and handwashing facility at all times.

450.115: Shared Toilet and Handwashing Facilities

Each facility shall have at least one working toilet and one working handwashing sink with hot and cold running water for every six male residents and for every six female residents. Urinals may constitute up to one third of the number of male toilets required, but every bathroom shall contain at least one full toilet.

450.116: Location of Shared Facilities

All required toilet and handwash fixtures shall be located within 75 feet from the room of each resident expected to use them.

450.118: Toilet and Handwash Fixtures

Toilet and handwash fixtures shall be of sanitary design, free from defects and easily cleanable. Said fixtures shall be kept clean and free of objectionable odors.

450.119: Night Soil Pots Prohibited

Night soil pots are prohibited.

450.120: Bathing Facilities

Each new facility, and each part of an existing facility that has been constructed or renovated after January 2, 2003, shall have at least one shower or bathtub with hot and cold running water for each six residents. Showerheads shall be spaced at least three feet apart with a minimum of nine square feet of floor space per unit. Showerheads shall be provided with flow control regulators allowing a flow of not more than three gallons per minute.

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450.122: Privacy

Separate toilet and shower rooms shall be provided for males and females.

450.123: Shower Floors

Shower floors shall be constructed of nonabsorbent, nonslippery material and sloped towards properly installed floor drains. The use of duckboards in a shower room shall not be permitted.

450.124: Maintenance

Each toilet, handwash sink, bathing facility, and the surrounding area, shall be cleaned daily, and more often if needed, with hot water and an effective detergent and disinfectant and kept in good repair.

450.125: Water Supply

Each facility shall have a water supply that is adequate in pressure and quantity from a source approved by the Department of Environmental Protection.

450.126: Drinking Water

Each resident and each employee shall have access at all times to water, meeting the conditions of 105 CMR 450.125, for normal drinking needs.

450.127: Hot Water for Showers

Every shower shall be provided with a shower control valve calibrated to provide hot water at a temperature of 112°F in sufficient quantity and pressure to meet the ordinary hygiene needs of the residents.

450.128: Hot Water for Handwash Sinks and Bathtubs

Every handwash sink and every bathtub shall be provided with hot water between the temperatures of 110°F to 130°F in sufficient quantity and pressure to meet the ordinary hygiene needs of the residents.

450.130: Sewage Disposal

Each facility shall have a sanitary drainage system connected to a public sanitary sewer system, or a private sewage disposal system approved by the Department of Environmental Protection.

450.131: Maintenance of Plumbing and Gasfitting

All plumbing and gasfitting shall be maintained in good repair and free from leaks. All plumbing and gasfitting shall conform to the State Plumbing Code at 248 CMR 2.00 *et seq.*

450.132: Cross-connections

Where the water supply of the facility used for drinking or culinary purposes is physically connected with another water supply, both water supplies and the cross-connection shall be approved by the Department of Environmental Protection.

450.140: Adequate Ventilation

Each resident and employee shall have adequate ventilation at all times. Each facility shall have ventilation of each habitable and occupiable space, bathroom and toilet compartment in compliance with 780 CMR: *The State Building Code.*

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440.141: Screens

(A) Each window and door used for ventilation to the exterior shall have tight-fitting screens with a minimum of 16 mesh per square inch. Each screen door shall be equipped with a self-closing device unless the door is designed to slide from side to side.

(B) Every required window screen other than those in a food preparation, service or storage area shall be in place and in good repair from April 15 through October 30.

450.150: Food Service

All facilities shall comply with the provisions of 105 CMR 590.000 *et seq.*: State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments.

450.151: Common Cup Prohibited

Common drinking cups are prohibited.

450.173: Tobacco

Employees and residents shall not use tobacco in any form within a facility.

450.216: Toxic Materials Identified

Poisonous and toxic materials shall be prominently identified and used only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or residents.

450.217: Storage of Toxic Materials

When not in use, toxic materials shall be stored in labeled containers in cabinets equipped with locks which are used for no other purpose. Disinfectants, sanitizers and other cleaning compounds shall not be stored in the same cabinet or area of the room with insecticides, rodenticides, or other poisonous materials.

450.301: Necessary Clothing

Each resident shall be provided with adequate clothing to preserve health and comfort at all times of the year.

450.302: Laundry

Each resident shall be provided access on no less than a weekly basis, to adequate laundry facilities for the purpose of washing personal laundry. If access to laundry facilities cannot be provided to the resident, the administrator shall provide at a minimum, weekly laundry service.

450.310: Recreational Opportunities

Each resident shall be afforded a variety of opportunities for recreation and exercise sufficient for personal enjoyment and physical exercise outside of his bedroom. Outdoor exercise and recreation shall be provided when weather permits.

450.311: Recreational Space and Equipment

The facility shall provide the residents with indoor and outdoor space and equipment that is clean, safe and adequate for active sports.

450.320: Bedroom Size

A single occupancy bedroom shall contain at least 70 square feet of floor space. A multiple occupancy bedroom shall contain at least 50 square feet of floor space for each occupant. Measurements shall be calculated on the basis of total habitable room area, which does not include areas where floor-to-ceiling height is less than eight feet.

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450.321: Bed Configuration

Beds shall be configured to provide a minimum of three feet between residents if single decked and 4½ feet if double decked. A distance of at least six feet shall be provided between the heads of sleepers. Triple bunks are prohibited.

450.329: Friable Asbestos

All asbestos containing material shall be maintained in good repair and free of any defects including, but not limited to, holes, cracks, tears or any looseness that may allow the release of asbestos dust, or any powdered, crumbled or pulverized asbestos material. Any violation of 105 CMR 450.329 shall be corrected in accordance with regulations of the Department of Environmental Protection appearing at 310 CMR 7.15 and the regulations of the Department of Labor and Workforce Development appearing at 453 CMR 6.00 and with any other applicable statutes and regulations.

450.330: Heating

Each facility shall provide heat for every bed room, bathroom and toilet compartment, and other habitable area, at a temperature of at least 68°F between 7:00 A.M. and 11:00 P.M. and at least 64°F between 11:01 P.M. and 6:59 A.M., every day other than during the period of June 15<sup>th</sup> through September 15<sup>th</sup>, in each year. The temperature shall at no time exceed 78°F during the heating season. For each degree less than -15°F that the temperature falls, the minimum temperature requirements may likewise be reduced by 1°F. The temperature shall be read at a height of three feet above floor level at any point in the room more than two feet from the inside of every exterior wall.

450.340: Illumination

Each facility shall provide natural and artificial illumination for each habitable space in accordance with 780 CMR: *The State Building Code* and 105 CMR 450.341 through 105 CMR 450.346.

450.341: Natural Light in Bedrooms

Each bedroom shall be located so that each resident can see natural light from his/her bedroom.

450.343: Electric Fixtures in Bedrooms

Each bedroom shall contain for each resident, at least one wall convenience electric outlet and at least one electric light fixture containing a bulb of at least 60 watts that is conveniently located for reading, providing at least 100 foot-candles at desk level.

450.344: Illumination in Habitable and Occupiable Areas

Each facility shall have working electric fixtures, with bulbs, located so that illumination is available for the safe and reasonable use of every laundry, stairs, bathroom or toilet room, food service department, pantry, foyer, community corridor, recreation area, closet, and storage space.

450.346: Safe Wiring

No wiring shall lie under a rug or other floor covering, nor extend through a doorway or other opening in a structural element. No temporary wiring shall be used or made available for use by residents or employees; provided, that extension cords which connect portable electric appliances to convenience outlets within the same room shall not be considered temporary wiring.

450.350: Structural Maintenance

The foundations, floors, walls, doors, windows, ceiling, roofs, staircases, porches, chimneys, and other structural elements of the facility shall be maintained so that the facility excludes wind, rain, snow, and is rodent-proof, watertight and free from chronic dampness, weathertight, in good repair, and in every way fit for the use intended. Further, every interior structural element shall be maintained free from holes, cracks, loose plaster, or other defect which renders the area difficult to keep clean, or which constitutes an accident hazard or provides insect or rodent harborage.

450.351: Handrails

A safe handrail and supporting baluster or other protective device shall be provided on both sides of every stairway meeting the requirements of 780 CMR: *The State Building Code*.

450.352: Bathroom Floors and Walls

The floors of every bathroom or toilet compartment and the walls to a height of 48" of every bathing place shall be constructed of non-absorbent material that is easily cleanable.

450.353: Maintenance

The interior and exterior of the facility shall be maintained in good repair and in a safe, clean, orderly and sanitary condition, free from accumulation of dirt, garbage and rubbish.

450.360: Protective Measures Against Pests

Effective measures shall be taken to protect against the entrance of, and the breeding or presence on the premises of rodents, flies, roaches, and other vermin and pests into the facility, and to exterminate such pests when they exist.

450.361: Extermination

Extermination shall be accomplished by eliminating the harborage places of insects and rodents, by removing or making inaccessible, materials that may serve as their food or breeding ground, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination method. Extermination shall be undertaken in a manner that is not hazardous to the health of residents or employees, and only by a person licensed to apply pesticides pursuant to M.G.L. c. 132B, § 10.

450.370: Garbage Storage

Garbage or mixed garbage and rubbish shall be stored in a sanitary manner in watertight easily cleanable receptacles of metal or other durable non-absorbent material. The receptacles shall have tight-fitting covers and be inaccessible to insects and rodents.

450.371: Rubbish Storage

All rubbish shall be stored in a sanitary manner in rooms, enclosures, areas or containers which are adequate for the storage of all rubbish accumulating between periods of removal from the premises, and are constructed or lined with metal or other durable material which is non-absorbent, easily cleanable, and insect and rodent-proof.

450.372: Cleaning of Garbage and Rubbish Containers

Each container, room or area used to store garbage or rubbish shall be thoroughly cleaned after each emptying or removal of garbage or rubbish. Each container shall be cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities and equipment, including hot water and detergent, shall be provided and used for washing such containers, rooms and areas.

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450.374: Disposal

All garbage and rubbish shall be disposed of with sufficient frequency and in such manner as to prevent the creation of objectionable conditions, such as odor or the breeding of insects and rodents. In sleeping rooms, kitchens, and other habitable areas, daily removal must occur. Ultimate disposal of garbage and rubbish shall be accomplished at locations approved by the Department of Environmental Protection.

450.380: Access to Exits

Each resident and employee shall have immediate access to at least two exit passages in the event of fire or other emergency. Access to common exits or passageways shall not be obstructed by any material or equipment not necessary for security purposes. (See 780 CMR: *The State Building Code*.)

450.381: Unlocking of Doors

Each facility shall have a system whereby all doors may be promptly unlocked to allow the rapid exit of the occupants in the event of fire or other emergency.

450.382: Evacuation Plan

Each facility shall have a written and rehearsed plan for fire and emergency evacuation. Said plan shall be submitted to the local fire department with a request for review and approval.

450.384: Certificate of Inspection

Each facility shall have a current Certificate of Inspection. (See 780 CMR: *The State Building Code*.)

450.390: Noise Levels

Noise levels shall be kept to a level not psychologically or physically harmful to the residents.

450.502: Severability

The Provisions of 105 CMR 450.000 are severable. If any provision shall be determined invalid by any court, such provision shall be null and void and such determination shall not affect or impair any of the remaining provisions.

450.600: Variances

The Commissioner or his/her designee may vary the application of any provision of 105 CMR 450.000 with respect to any particular case when in his/her opinion, the enforcement thereof would do manifest injustice; provided that the decision of the Department shall not conflict with the spirit of these minimum standards or an other applicable statute, code or regulation.

REGULATORY AUTHORITY

105 CMR 450.000: M.G.L. c. 111, §§ 2, 5, and 21.

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