

Policy Title: 245D Emergency Use of Restraints

Policy Owner: Chief Operating Officer Policy Originated by: Program	Date Written: 10/1/13
Applicable Programs: 245D licensed programs and Therapeutic Recreation (ILS Therapies)	Date Reviewed and Approved by PLT: 3/11/14, 02/17/15, 02/11/16, 02/23/16, 7/10/19, 9/9/20, 7/28/21, 9/13/23, 7/17/2024
Statutory or Regulatory Citation: Minn. Stat. § 245D.06—245D.061	Signature if needed:

Policy: It is the policy of St. David's Center to promote the rights of persons served by this program and to protect their health and safety during the emergency use of manual restraints. This section meets the training and safety needs of individuals receiving services under 245D.

Definitions:

"Emergency use of manual restraint" means using a manual restraint when a person poses an imminent risk of physical harm to self or others, and it is the least restrictive intervention that would achieve safety. Property damage, verbal aggression, or a person's refusal to receive or participate in treatment or programming on their own, do not constitute an emergency.

"Restrictive procedures" means application of an action, force, or condition that controls, constrains, or suppresses the action, behavior, intention, bodily placement, or bodily location of a child in a manner that is involuntary, unintended by that child, depriving, or aversive to that child.

St. David's Center allows only the following restrictive procedures:

1. Physical escort, and
2. Physical holding in programs serving emotionally disturbed children in accordance with the procedures outlined in this policy.

Procedure:
1. Positive support strategies and techniques required

- A. The following positive support strategies and techniques must be used to attempt to de-escalate a person's behavior before it poses an imminent risk of physical harm to self or others:

Examples of positive support strategies that could be used include:

- Follow individualized strategies in a person's coordinated service and support plan and coordinated service and support plan addendum.
- Shift the focus by verbally redirecting the person to a desired alternative activity.
- Model desired behavior.
- Reinforce appropriate behavior.
- Offer choices, including activities that are relaxing and enjoyable to the person.
- Use positive verbal guidance and feedback.
- Actively listen to a person and validate their feelings.
- Create a calm environment by reducing sound, lights, and other factors that may agitate a person.
- Speak calmly with reassuring words, consider volume, tone, and non-verbal communication.
- Simplify a task or routine or discontinue until the person is calm and agrees to participate.
- Respect the person's need for physical space and/or privacy.

- B. The program will develop a positive support transition plan on the forms and in manner prescribed by the Commissioner and within the required timelines for each person served when required in order to:

- i. eliminate the use of prohibited procedures as identified in section III of this policy;
- ii. avoid the emergency use of manual restraint as identified in section I of this policy;
- iii. prevent the person from physically harming self or others; or
- iv. phase out any existing plans for the emergency or programmatic use of aversive or deprivation procedures prohibited.

2. Permitted Actions and Procedures

Use of the following instructional techniques and intervention procedures used on an intermittent or continuous basis are permitted by this program. When used on a continuous basis, it must be addressed in a person's coordinated service and support plan addendum.

- A. Physical contact or instructional techniques must be used as the least restrictive alternative possible to meet the needs of the person and may be used to:

- i. calm or comfort a person by holding that person with no resistance from that person;
- ii. protect a person known to be at risk or injury due to frequent falls because of a medical condition;
- iii. facilitate the person's completion of a task or response when the person does not resist, or the person's resistance is minimal in intensity and duration; or
- iv. briefly block or redirect a person's limbs or body without holding the person or limiting the person's movement to interrupt the person's behavior that may result in injury to self or others.

B. Restraint may be used as an intervention procedure to:

- i. allow a licensed health care professional to safely conduct a medical examination or to provide medical treatment ordered by a licensed health care professional to a person necessary to promote healing or recovery from an acute, meaning short-term, medical condition; or
- ii. assist in the safe evacuation or redirection of a person in the event of an emergency and the person is at imminent risk of harm;
- iii. position a person with physical disabilities in a manner specified in the person's coordinated service and support plan addendum

3. Prohibited Procedures

Use of the following procedures as a substitute for adequate staffing, for a behavioral or therapeutic program to reduce or eliminate behavior, as punishment, or for staff convenience, is prohibited by this program:

- A. chemical restraint;
- B. mechanical restraint;
- C. manual restraint; (Prohibited in the In-Home Support Program, only allowed in Therapeutic Recreation Programs by trained staff)
- D. time out;
- E. seclusion; or
- F. any aversive or deprivation procedure.

4. In-Home Program Policy: Manual Restraints are Not Allowed

- A. If a program does not allow the emergency use of manual restraint the following alternative measures must be used by staff to achieve safety when a person's conduct poses an imminent risk of physical harm to self or others and less restrictive strategies have not achieved safety:

Examples of strategies include:

- Continue to utilize the positive support strategies;

- Continue to follow individualized strategies in a person's coordinated service and support plan and coordinated service and support plan addendum;

- Ask the person and/or others if they would like to move to another area where they may feel safer or calmer;

- Remove objects from the person's immediate environment that they may use to harm self or others

- Call 911 for law enforcement assistance if the alternative measures listed above are ineffective to achieve safety for the person and/or others. While waiting for law enforcement to arrive staff will continue to offer the alternative measures listed above if doing so does not pose a risk of harm to the person and/or others.
 - Refer to the individual's plan for client specific guidance
- B. The program will not allow the use of an alternative safety procedure with a person when it has been determined by the person's physician or mental health provider to be medically or psychologically contraindicated for a person. This program will complete an assessment of whether the allowed procedures are contraindicated for each person receiving services as part of the required service planning required under the 245D Home and Community-based Services (HCBS) Standards (section [245D.07](#), subdivision 2, for recipients of basic support services; or section [245D.071](#), subdivision 3, for recipients of intensive support services).

5. Therapeutic Recreation Program: Conditions for Emergency Use of Manual Restraints.

- A. Emergency use of manual restraint must meet the following conditions:
- i. immediate intervention must be needed to protect the person or others from imminent risk of physical harm;
 - ii. the type of manual restraint used must be the least restrictive intervention to eliminate the immediate risk of harm and effectively achieve safety; and
 - iii. the manual restraint must end when the threat of harm ends.
- B. The following conditions, on their own, are not conditions for emergency use of manual restraint:
- i. the person is engaging in property destruction that does not cause imminent risk of physical harm;
 - ii. the person is engaging in verbal aggression with staff or others; or
 - iii. a person's refusal to receive or participate in treatment or programming.
- C. Types of self-protective protocols allowed in emergencies:
- i. Block and Move
 - ii. Grabs Release- one handed, two handed, clothing
 - iii. Hair Pull Release- one handed hair pull, two handed hair pull,
 - iv. Bite Release
- D. Manual Restraints allowed in emergencies:

- i. CPI Children's Control Position
- ii. CPI Seated Position
- iii. CPI Standing Position -this position allows you to transport client
- iv. Turning Away-allows staff to move client to safety with minimal restraint

6. Restrictions When Implementing Emergency Use of Manual Restraint

Emergency use of manual restraint must not:

- A. be implemented with a child in a manner that constitutes sexual abuse, neglect, physical abuse, or mental injury;
- B. be implemented with an adult in a manner that constitutes abuse or neglect;
- C. be implemented in a manner that violates a person's rights and protection;
- D. be implemented in a manner that is medically or psychologically contraindicated for a person;
- E. restrict a person's normal access to a nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, or necessary clothing;
- F. restrict a person's normal access to any protection required by state licensing standards and federal regulations governing this program;
- G. deny a person visitation or ordinary contact with legal counsel, a legal representative, or next of kin;
- H. be used as a substitute for adequate staffing, for the convenience of staff, as punishment, or as a consequence if the person refuses to participate in the treatment or services provided by this program;
- I. use prone restraint. "Prone restraint" means use of manual restraint that places a person in a face-down position. It does not include brief physical holding of a person who, during an emergency use of manual restraint, rolls into a prone position, and the person is restored to a standing, sitting, or side-lying position as quickly as possible; or
- J. apply back or chest pressure while a person is in a prone or supine (meaning a face-up) position.

7. Monitoring Emergency Use of Manual Restraint

- A. The program must monitor a person's health and safety during an emergency use of a manual restraint. The purpose of the monitoring is to ensure the following:
 - i. only manual restraints allowed in this policy are implemented;
 - ii. manual restraints that have been determined to be contraindicated for a person are not implemented with that person;
 - iii. allowed manual restraints are implemented only by staff trained in their use;
 - iv. the restraint is being implemented properly as required; and

- v. the mental, physical, and emotional condition of the person who is being manually restrained is being assessed and intervention is provided when necessary to maintain the person's health and safety and prevent injury to the person, staff involved, or others involved.
- B. When possible, a staff person who is not implementing the emergency use of a manual restraint must monitor the procedure.
- C. A monitoring form, as approved by the Department of Human Services, must be completed for each incident involving the emergency use of a manual restraint.

8. Reporting Emergency Use of Manual Restraint (EUMR) – see Standard Operating Procedure related to EUMR

9. Staff Training - In-Home Support Program:

In-Home Support staff receive training on positive support strategies and techniques upon hire and annually thereafter.

10. Staff Training - Therapeutic Recreation Program:

Before staff may implement manual restraints on an emergency basis the program must provide the training required in this section.

- A. The program must provide staff with orientation and annual training as required in Minnesota Statutes, section 245D.09.
 - i. Before having unsupervised direct contact with persons served by the program, the program must provide instruction on prohibited procedures that address the following:
 - a. what constitutes the use of restraint, time out, seclusion, and chemical restraint;
 - b. staff responsibilities related to ensuring prohibited procedures are not used;
 - c. why such prohibited procedures are not effective for reducing or eliminating symptoms or undesired behavior;
 - d. why prohibited procedures are not safe; and
 - e. Emergency Restraint Training:
 - a. In-Home Support Staff are trained on Positive Support Strategies and techniques.
 - b. Therapeutic Recreation staff receive training on the safe and correct use of manual restraint on an emergency basis according to the requirements in the 245D HCBS Standards, section 245D.061 and this policy.

- ii. Within 60 days of hire the program must provide instruction on the following topics:
 - a. alternatives to manual restraint procedures, including techniques to identify events and environmental factors that may escalate conduct that poses an imminent risk of physical harm to self or others;
 - b. de-escalation methods, positive support strategies, and how to avoid power struggles;
 - c. simulated experiences of administering and receiving manual restraint procedures allowed by the program on an emergency basis;
 - d. how to properly identify thresholds for implementing and ceasing restrictive procedures;
 - e. how to recognize, monitor, and respond to the person's physical signs of distress, including positional asphyxia;
 - f. the physiological and psychological impact on the person and the staff when restrictive procedures are used;
 - g. the communicative intent of behaviors;
 - h. and relationship building.
- B. Training on these topics received from other sources may count toward these requirements if received in the 12-month period before the staff person's date of hire or in the 12-month period before this program's 245D-HCBS license became effective on Jan. 1, 2014.
- C. The program must maintain documentation of the training received and of each staff person's competency in each staff person's personnel record.
- D. Staff will receive annual refresher training per Rule 9544. St. David's Center will provide this training through a certified instructor in the Crisis Prevention Institute or Ukeru curriculum and/or through online training through College of Direct Supports.

Violation of this Policy or Procedure

No or only partial adherence to this policy or procedure may result in noncompliance with current regulatory requirements and subsequent penalties to St. David's Center. Remediation for violators will include, but not be limited to, disciplinary action up to and including termination depending on the circumstances of the situation at the time.

Reference or Attachment: