

BEHAVIORAL INTERVENTION AND CHANGE POLICY AND PROCEDURE

<p>POLICY TITLE and number</p>	<p>701 Behavioral Intervention and Change</p>
<p>HEADER INFO - Adopted - Revised</p>	<p><b>Adopted 10/1985</b>  <b>Revised 10/1994, 8/2002, 2/2012, 8/2014, 1/2021, 9/2022</b></p>
<p>RULE REFERENCE</p>	<p><b>5123:2-2-06; 5123:2-3-04</b></p>
<p>GLOBAL POLICY STATEMENT  (what and why)</p>	<p>Choices In Community Living, Inc. requires all employees to respond to the need for ongoing behavior support within all client environments (i.e. work, home, community). It is the policy of CICL to review these Behavioral Intervention and Change policy with all staff and to make them available to individuals receiving services, legal guardians and County/State personnel.</p> <p>The Choices In Community Living, Inc. uses positive teaching and support strategies and the least intrusive forms of interventions. The Choices In Community Living, Inc. uses strategies that promote dignity, growth, development and self-reliance of the individual being served, emphasize choices in daily decision making and emphasizing self-management and self-determination.</p> <p>Behavior support strategies are integrated into the client's service plan and provide a systematic approach to helping the individual learn positive behaviors while reducing inappropriate behaviors. The Choices In Community Living, Inc. engages in teaching and support strategies to change behavior with and supervision that ensure the due process and safety, welfare and rights of its clients.</p> <p>All staff will be trained (and documented) on the details of a written Behavior Support Plan and ISP behavior strategies before they work alone with individuals.</p>
<p>GUIDELINES/PROCESS STATEMENTS (how)</p>	<p>CHOICES IN COMMUNITY LIVING, INC. has developed the following Behavior Support policies based upon the passage of Rule 5123:2-06. CHOICES IN COMMUNITY LIVING, INC. agrees without reservation in the purposes of restrictive measures specifically outlined in Rule 5123:2-06 that:</p> <ul style="list-style-type: none"> <li>• Restrictive measures are used only when necessary to keep people safe;</li> <li>• Individuals with developmental disabilities are supported in a caring and responsive manner that promotes dignity, respect, and trust and with recognition that they are equal citizens with the same rights and personal freedoms granted to Ohioans without developmental disabilities;</li> <li>• Services and supports are based on an understanding of the individual and the reasons for his or her actions; and</li> <li>• Effort is directed at creating opportunities for individuals to exercise <u>choice</u> in matters affecting their everyday lives and <u>supporting</u> individuals to make choices that yield positive outcomes.</li> </ul>

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- The focus of a behavioral support strategy is the proactive creation of supportive environments that enhance an individual's quality of life by understanding and respecting the individual's needs and expanding opportunities for the individual to communicate and exercise choice and control through identification and implementation of positive measures such as:
  - Emphasizing alternative ways for the individual to communicate needs and to have needs met;
  - Adjusting the physical or social environment;
  - Addressing sensory stimuli;
  - Adjusting schedules; and
  - Establishing trusting relationships.

Additionally, CHOICES IN COMMUNITY LIVING, INC. agrees to highlight and build on a person's unique gifts, talents, strengths, hopes, dreams and preferences. CHOICES IN COMMUNITY LIVING, INC. agrees to recognize and consider all the factors which influence a person's behavior when determining how to best support people served.

### **Prohibited Measures**

CHOICES IN COMMUNITY LIVING, INC. agrees that none of its employees while providing specialized services will ever engage in the below listed "Prohibited measures" including:

- Prone restraint. "Prone restraint" means a method of intervention where an individual's face and/or frontal part of his or her body is placed in a downward position touching any surface for any amount of time.
- Use of a manual restraint or mechanical restraint that has the potential to inhibit or restrict an individual's ability to breathe or that is medically contraindicated.
- Use of a manual restraint or mechanical restraint that causes pain or harm to an individual.
- Disabling an individual's communication device.
- Denial of breakfast, lunch, dinner, snacks, or beverages.
- Placing an individual in a room with no light.
- Subjecting an individual to damaging or painful sound.
- Application of electric shock to an individual's body (excluding electroconvulsive therapy prescribed by a physician as a clinical intervention to treat a diagnosed medical condition and administered by a physician or a credentialed advanced practice registered nurse).
- Subjecting an individual to any humiliating or derogatory treatment.
- Squirting an individual with any substance as an inducement or consequence for behavior.
- Using any restrictive measure for punishment, retaliation, convenience of providers, or as a substitute for specialized services.

If it's determined that a CHOICES IN COMMUNITY LIVING, INC. employee engages in any of the prohibited measures previously listed, the employee will be terminated immediately.

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CHOICES IN COMMUNITY LIVING, INC. is adamant that all Behavioral Support Strategies, whether non-aversive or aversive, must be individually tailored based on individual needs and can never include a violation of the individual's rights without review and approval of the Human Rights Committee and prior informed consent of the person and /or their legal representative. Additionally, CHOICES IN COMMUNITY LIVING, INC. agrees that the focus of any behavioral support strategy must include the creation of supportive environments that enhance the individual's quality of life. Effort must be directed at:

- Mitigating risk of harm or likelihood of legal sanction;
- "Risk of harm" means there exists a direct and serious risk of physical harm to an individual or another person. For risk of harm:
  - An individual must be capable of causing physical harm to self or others; and
  - The individual must be causing physical harm to self or others or very likely to begin doing so.
- Reducing and ultimately eliminating the need for restrictive measures; and
- Ensuring individuals are in environments where they have access to preferred activities and are less likely to engage in unsafe actions due to boredom, frustration, lack of effective communication, or unrecognized health problems.

CHOICES IN COMMUNITY LIVING, INC. agrees to fully cooperate with the various level of support offered by the local County DD Services Behavioral Support Team including:

**Restrictive Measures:**

CHOICES IN COMMUNITY LIVING, INC. agrees that "Restrictive measures" are used only as a last resort when it is necessary to keep the individuals served safe. Additionally, CHOICES IN COMMUNITY LIVING, INC. agrees only to use when verification is received that the measure has received approval by the human rights committee of the local county board.

"Restrictive measures" may include:

- Manual restraint. "Manual restraint" means use of a hands-on method, but never in a prone restraint, to control an identified action by restricting the movement or function of an individual's head, neck, torso, one or more limbs, or entire body, using sufficient force to cause the possibility of injury and includes holding or disabling an individual's wheelchair or another mobility device. A behavioral support strategy may include manual restraint only when an individual's actions pose risk of harm. An individual in a manual restraint shall be under constant visual supervision by staff. Manual restraint shall cease immediately once risk of harm has passed. "Manual restraint" does not include a method that is routinely used during a medical procedure for patients without developmental disabilities.
- Mechanical restraint. "Mechanical restraint" means use of a device, but never in a prone restraint, to control an identified action by restricting an individual's movement or function.

A behavioral support strategy may include manual restraint only when an individual's actions pose risk of harm. CHOICES IN COMMUNITY LIVING, INC. agrees

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	<p>that a Mechanical restraint shall cease immediately once risk of harm has passed. "Mechanical restraint" does not include:</p> <ul style="list-style-type: none"> <li>○ A seatbelt of a type found in an ordinary passenger vehicle or an age-appropriate child safety seat;</li> <li>○ A medically-necessary device (such as a wheelchair seatbelt or a gait belt) used for supporting or positioning an individual's body; or</li> <li>○ A device that is routinely used during a medical procedure for patients without developmental disabilities.</li> </ul> <ul style="list-style-type: none"> <li>● Time-out. "Time-out" means confining an individual in a room or area and preventing the individual from leaving the room or area by applying physical force or by closing a door or constructing another barrier, including placement in such a room or area when a staff person remains in the room or area. CHOICES IN COMMUNITY LIVING, INC. agrees to the following conditions when using Time-out:             <ul style="list-style-type: none"> <li>○ A behavioral support strategy may include time-out only when an individual's actions pose risk of harm.</li> <li>○ Time-out shall not exceed thirty minutes for any one incident nor one hour in any twenty-four-hour period.</li> <li>○ A time-out room or area shall not be key-locked, but the door may be held shut by a staff person or by a mechanism that requires constant physical pressure from a staff person to keep the mechanism engaged.</li> <li>○ A time-out room or area shall be adequately lighted and ventilated and provide a safe environment for the individual.</li> <li>○ An individual in a time-out room or area shall be protected from hazardous conditions including but not limited to, sharp corners and objects, uncovered light fixtures, or unprotected electrical outlets.</li> <li>○ An individual in a time-out room or area shall be under constant visual supervision by staff.</li> <li>○ Time-out shall cease immediately once risk of harm has passed or if the individual engages in self-abuse, becomes incontinent, or shows other signs of illness.</li> <li>○ "Time-out" does not include periods when an individual, for a limited and specified time, is separated from others in an unlocked room or area for the purpose of self-regulating and controlling his or her own behavior and is not physically restrained or prevented from leaving the room or area by physical barriers.</li> </ul> </li> <li>● Chemical restraint. "Chemical restraint" means the use of medication in accordance with scheduled dosing or pro re nata ("PRN" or as needed) for the purpose of causing a general or non-specific blunt suppression of behavior (i.e., the effect of the medication results in a noticeable or discernible difference in the individual's ability to complete activities of daily living) or for the purpose of treating sexual offending behavior.             <ul style="list-style-type: none"> <li>○ A behavioral support strategy may include chemical restraint only when an individual's actions pose risk of harm or an individual engages in a precisely-defined pattern of behavior that is very likely to result in risk of harm.</li> <li>○ A medication prescribed for the treatment of a physical or psychiatric condition in accordance with the standards of treatment for that condition and not for the purpose of causing a general or non-specific blunt suppression of behavior, is presumed to not be a chemical restraint.</li> </ul> </li> </ul>
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- "Chemical restraint" does not include a medication that is routinely prescribed in conjunction with a medical procedure for patients without developmental disabilities.
- **Reconsideration of a medication initially presumed to not be a chemical restraint**
  - **When administration of a medication initially presumed to not be a chemical restraint in accordance with paragraph (C)(1)(b) of this rule actually results in a general or non-specific blunt suppression of behavior, the provider is to alert the individual's qualified intellectual disability professional or service and support administrator, as applicable. The qualified intellectual disability professional or the service and support administrator is to ensure the prescriber of the medication and the individual's team are notified.**
    - **The prescriber of the medication may adjust the medication (type or dose) in an effort to abate the general or non-specific blunt suppression of behavior.**
    - **When the prescriber of the medication is not inclined to adjust the medication, the individual's team is to meet to consider what actions may be necessary (e.g., seeking an opinion from a different prescriber or introducing activities that may mitigate the impact of the medication on the individual's ability to complete activities of daily living).**
  - **When a medication (as originally administered or as adjusted) continues to cause a general or non-specific blunt suppression of behavior beyond thirty calendar days, the medication is to be regarded as a chemical restraint and submitted to the human rights committee in accordance with paragraph (H) of this rule.**
- **Restriction of an individual's rights as enumerated in section 5123.62 of the Revised Code.**
  - **A behavioral support strategy may include a rights restriction only when an individual's actions pose risk of harm or are very likely to result in the individual being the subject of a legal sanction such as eviction, arrest, or incarceration.**
  - **Absent risk of harm or likelihood of legal sanction, an individual's rights shall not be restricted (e.g., by imposition of arbitrary schedules or limitation on consumption of tobacco products).**

**Development of a behavioral support strategy that includes restrictive measures:**

CHOICES IN COMMUNITY LIVING, INC. agrees to the following conditions when implementing a behavioral strategy that includes restrictive measures. CHOICES IN COMMUNITY LIVING, INC. will not implement any behavioral support strategy that includes prohibited measures.

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## BEHAVIORAL INTERVENTION AND CHANGE POLICY AND PROCEDURE

- Choices In Community Living, Inc. will only implement behavioral support strategies that include manual restraint, mechanical restraint, time-out, or chemical restraint only when an individual's actions pose risk of harm to self or others. Additionally, CHOICES IN COMMUNITY LIVING, INC. must receive verification that such strategies have been approved by the Human Rights Committee and the Behavior Support Review Committee. Prior informed consent of the person and/or their legal representative is required.
- CHOICES IN COMMUNITY LIVING, INC. will only implement a behavioral support strategy that includes a restriction of an individual's rights only when an individual's actions pose risk of harm or are very likely to result in the individual being the subject of a legal sanction such as eviction, arrest, or incarceration. Absent risk of harm or likelihood of legal sanction, CHOICES IN COMMUNITY LIVING, INC. agrees not to restrict an individual's rights.
- CHOICES IN COMMUNITY LIVING, INC. agrees the focus of a behavioral support strategy must be creation of supportive environments that enhance the individual's quality of life. Effort is directed at:
  - Mitigating risk of harm or likelihood of legal sanction;
  - Reducing and ultimately eliminating the need for restrictive measures; and
  - Ensuring individuals are in environments where they have access to preferred activities and are less likely to engage in unsafe actions due to boredom, frustration, lack of effective communication, or unrecognized health problems.

### **Behavioral support strategy that includes restrictive measures requirements:**

CHOICES IN COMMUNITY LIVING, INC. agrees that any behavioral support strategy that includes restrictive measures requires:

- Documentation that demonstrates that positive and non-restrictive measures have been employed and have been determined ineffective; and
- An assessment conducted within the past twelve months that clearly describes:
  - The behavior that poses risk of harm or likelihood of legal sanction;
  - The level of harm or type of legal sanction that could reasonably be expected to occur with the behavior;
  - When the behavior is likely to occur; and
  - The individual's interpersonal, environmental, medical, mental health, and emotional needs and other motivational factors that may be contributing to the behavior.

### **Conditions of implementing a behavioral support strategy that includes restrictive measures:**

CHOICES IN COMMUNITY LIVING, INC. agrees that behavioral support strategies that include restrictive measures must:

- Be designed in a manner that promotes healing, recovery, and resilience;
- Have the goal of helping the individual to achieve outcomes and pursue interests while reducing or eliminating the need for restrictive measures to ensure safety;
- Describe tangible outcomes and goals and how progress toward achievement of outcomes and goals will be identified;

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	<ul style="list-style-type: none"> <li>➤ Recognize the role environment has on behavior;</li> <li>➤ Capitalize on the individual's strengths to meet challenges and needs;</li> <li>➤ Delineate restrictive measures to be implemented and identify those who are responsible for implementation;</li> <li>➤ Specify steps to be taken to ensure the safety of the individual and others;</li> <li>➤ As applicable, identify needed services and supports to assist the individual in meeting court-ordered community controls such as mandated sex offender registration, drug-testing, or participation in mental health treatment; and</li> <li>➤ As applicable, outline necessary coordination with other entities (e.g., courts, prisons, hospitals, and law enforcement) charged with the individual's care, confinement, or reentry to the community.</li> </ul> <p><b>Implementation of behavioral support strategies with restrictive measures:</b>          CHOICES IN COMMUNITY LIVING, INC. agrees to the following conditions with implementing restrictive measures:</p> <ul style="list-style-type: none"> <li>✓ Restrictive measures shall be implemented with sufficient safeguards and supervision to ensure the health, welfare, and rights of individuals receiving specialized services.</li> <li>✓ Each Choices In Community Living, Inc. employee providing specialized services to an individual with a behavioral support strategy that includes restrictive measures shall successfully complete training in the strategy prior to serving the individual.</li> <li>✓ After each incidence of manual restraint, a provider shall take any measures necessary to ensure the safety and wellbeing of the individual who was restrained, individuals who witnessed the manual restraint, and staff and minimize traumas for all involved.</li> </ul> <p><b>Reporting of behavioral support strategies that include restrictive measures:</b>          CHOICES IN COMMUNITY LIVING, INC. agrees to maintain a record of the date, time, and antecedent factors regarding each event of a restrictive measure other than a restrictive measure that is not based on antecedent factors (e.g., bed alarm or locked cabinet). The record for each event of a manual restraint or a mechanical restraint will include the duration. The provider will share the record with the individual or the individual's guardian, as applicable, and the individual's team whenever the individual's behavioral support strategy is being reviewed or reconsidered.</p> <p><b>Use of a restrictive measure without prior approval by the human rights committee:</b>          CHOICES IN COMMUNITY LIVING, INC. agrees that the use of a restrictive measure, including use of a restrictive measure in a crisis situation (e.g., to prevent an individual from running into traffic), without prior approval by the human rights committee shall be reported as "unapproved behavior support" in accordance with rule 5123:17-02 of the Administrative Code. However, CHOICES IN COMMUNITY LIVING, INC. agrees to intervene in a crisis situation as necessary to ensure a person's immediate health and welfare/safety.</p>
<p>FORMS Titles of forms</p>	
<p>TRAINING</p>	

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