

**True Friends**  
**Emergency Use of Manual Restraints Policy**  
**November 18, 2015**

**Program Name:** True Friends

**EMERGENCY USE OF MANUAL RESTRAINTS POLICY**

**I. Policy**

It is the policy of True Friends to promote the rights of persons served by True Friends and to protect their health and safety during the emergency use of manual restraints.

“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.

**II. 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 used:

- positive reinforcement and encouragement;
- redirection;
- modeling;
- offering choice;
- respectful, interactive communication;
- building regular breaks into the person’s schedule
- actively listening and validating feelings and emotions;
- teaching replacement skills; and
- meeting sensory needs.

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

1. eliminate the use of prohibited procedures as identified in section III of this policy;
2. avoid the emergency use of manual restraint as identified in section I of this policy;
3. prevent the person from physically harming self or others; or
4. phase out any existing plans for the emergency or programmatic use of restrictive interventions prohibited.

### **III. Permitted Actions and Procedures**

Use of the following instructional techniques and intervention procedures used on an intermittent or continuous basis are allowed by True Friends. 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 used must be the least restrictive alternative possible to meet the needs of the person and may also be used to:
  - 1. calm or comfort a person by holding that person with no resistance from the person;
  - 2. protect a person known to be at risk or injury due to frequent falls as a result of a medical condition;
  - 3. facilitating the person's completion of a task or response with hand over hand assistance when the person does not resist or the person's resistance is minimal in intensity and duration; or
  - 4. 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 action or behavior that may result in injury to self or others following the procedures taught in CPI's Nonviolent Crisis Intervention or internal behavior management interventions and is less than 60 seconds of physical contact by staff; or
  - 5. to redirect a person's behavior when the behavior does not pose a serious threat to the person or others and the action or behavior is effectively redirected with less than 60 seconds of physical contact by staff.
- B. Restraint may be used as an intervention procedure to:
  - 1. 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 which is necessary to promote healing or recovery from an acute medical condition; or
  - 2. 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; or
  - 3. position a person with physical disabilities in a manner specified in the person's Coordinated Service and Support Plan addendum.

**NOTE:** Any use of manual restraint as allowed in this paragraph (Section B) must comply with the restrictions identified in section A.

### **IV. 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 True Friends:

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- A. Chemical restraint – meaning and administration of a drug or medication to control the person’s behavior or restrict the person’s freedom of movement, and is not a standard treatment or dosage for the person’s medical or psychological condition.
- B. Mechanical restraint – meaning the use of devices, materials, or equipment attached or adjacent to the person’s body, or the use of practices that are intended to restrict freedom of movement or normal access to one’s body or body parts, or limits a person’s voluntary movement or holds a person immobile as an intervention precipitated by a person’s behavior.
- C. Manual restraint – meaning physical intervention intended to hold a person immobile or limit a person’s voluntary movement by body contact as the only source of physical restraint.
- D. Time out, including room and exclusionary – meaning the involuntary removal of a person for a period of time to a designated area from which the person is not prevented from leaving.

**NOTE: Time out does not mean voluntary removal or self-removal for the purpose of calming, prevention of escalation, or de-escalation of behavior; nor does it mean taking a break or rest from an activity for the purpose of providing the person an opportunity to regain self-control.**

- E. Seclusion – meaning:
  - 1. removing a person involuntarily to a room from which exit is prohibited by a staff person or a mechanism such as a lock, a device, or an object positioned to hold the door closed or otherwise prevent the person from leaving the room; or
  - 2. otherwise involuntarily removing or separating a person from an area, activity, situation, or social contact with others and blocking or preventing the person’s return.
- F. Any aversive or deprivation procedure
  - 1. Aversive procedures – meaning the application of an aversive stimulus contingent upon the occurrence of a behavior for the purposes of reducing or eliminating the behavior.
  - 2. Deprivation procedures – meaning the removal of a positive reinforcer following a response resulting in, or intended to result in, a decrease in frequency, duration, or intensity of that response. Oftentimes the positive reinforcer available is goods, services, or activities to which the person is normally entitled. The removal is often in the form of a delay or postponement of the positive reinforcer.

**V. Manual Restraints Allowed in Emergencies**

- A. True Friends allows the following manual restraint procedures to be used on an emergency basis when a person’s conduct poses an imminent risk of

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physical harm to self or others and less restrictive strategies have not achieved safety:

Examples of types of manual restraints allowed:

- CPI's children control position;
- CPI's team control position;
- Principles of Holding – seated position; and
- Principles of Holding – standing position.

The allowed manual restraints that can be used in an emergency situation along with instructions for safe and correct implementation are attached.

- B. True Friends will not allow the use of a manual restraint with a person when it has been determined by the person's physician or mental health provider to be medically or psychologically contraindicated. This information is included in the True Friends application. Upon receipt of the application, True Friends will complete an assessment of whether the allowed procedures are contraindicated for each person receiving services as part of the service planning required under section 245D.070, subdivision 2, for recipients of basic support services; or the assessment and initial service planning required under section 245D.071, subdivision 3 for recipients of intensive support services.

**VI. Conditions for Emergency Use of Manual Restraint**

- A. Emergency use of manual restraint must meet the following conditions:
1. immediate intervention must be needed to protect the person or others from imminent risk of physical harm;
  2. the type of manual restraint used must be the least restrictive intervention to eliminate the immediate risk of harm and effectively achieve safety; and
  3. 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:
1. the person is engaging in property destruction that does not cause imminent risk of physical harm;
  2. the person is engaging in verbal aggression with staff or others; or
  3. a person's refusal to receive or participate in treatment or programming.

**VII. Restrictions When Implementing Emergency Use of Manual Restraint**

Emergency use of manual restraint must not:

1. be implemented with a child in a manner that constitutes sexual abuse, neglect, physical abuse, or mental injury;
2. be implemented with an adult in a manner that constitutes abuse of neglect;

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3. be implemented in a manner that violates a person's rights and protection;
4. be implemented in a manner that is medically or psychologically contraindicated for a person;
5. 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;
6. restrict a person's normal access to any protection required by state licensing standard and federal regulations governing this program;
7. deny a person visitation or ordinary contact with legal counsel, a legal representative, or next of kin;
8. 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 True Friends;
9. 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
10. apply back or chest pressure while a person is in a prone or supine (meaning a face-up) position, or a side-lying position; or
11. be implemented in a manner that is contraindicated for any of the person's known medical or psychological limitations.

#### **VIII. Monitoring Emergency Use of Manual Restraint**

- A. True Friends 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:
  1. only manual restraints allowed in this policy are implemented;
  2. manual restraints that have been determined to be contraindicated (information on contraindication is located in the person's application) for a person are not implemented with that person;
  3. allowed manual restraints are implemented only by staff trained in their use, which is documented in each staff's training record;
  4. the restraint is being implemented properly as required; and
  5. 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, and 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, Behavior Intervention Report Form, BIRF, as approved by the Department of Human Services, must be completed for each incident

involving the emergency use of a manual restraint.

## **IX. Reporting Emergency Use of Manual Restraint**

- A. Within 24 hours of an emergency use of manual restraint, the legal representative and the case manager must receive verbal notification of the occurrence as required under the incident response and reporting requirements in the 245D HCBS Standards, section 245D.06, subdivision 1.

When the emergency use of manual restraint involves more than one person receiving services, the incident report made to the legal representative and the case manager must not disclose personally identifiable information about any other person unless the program has the consent of the person. Data privacy rules apply.

- B. Within 3 calendar days after an emergency use of a manual restraint, the staff person who implemented the emergency use must report in writing to the program's designated coordinator, the Director of Camping and Volunteer Services the following information about the emergency use:
1. who was involved in the incident leading up to the emergency use of a manual restraint; including the names of staff and persons receiving services who were involved;
  2. a description of the physical and social environment, including who was present before and during the incident leading up to the emergency use of a manual restraint;
  3. a description of what less restrictive alternative measures were attempted to de-escalate the incident and maintain safety before the emergency use of a manual restraint was implemented. This description must identify when, how, and how long the alternative measures were attempted before the manual restraint was implemented;
  4. a description of the mental, physical, and emotional condition of the person who was manually restrained, leading up to, during, and following the manual restraint;
  5. a description of the mental, physical, and emotional condition of the other persons involved leading up to, during, and following the manual restraint;
  6. whether there was any injury to the person who was restrained before or as a result of the use of a manual restraint;
  7. whether there was an injury to other persons, including staff, before or as a result of the use of manual restraint; and
  8. whether there was a debriefing with the staff, and if not contraindicated, with the person who was restrained and other

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- persons who were involved in, or who witnessed the restraint, following the incident. Include the outcome of the debriefing. If the debriefing was not conducted at the time the incident report was made, the report should identify whether a debriefing is planned.
- C. A copy of this report must be maintained in the person's service recipient record, in a uniform and legible manner.
  - D. Each single incident of emergency use of manual restraint must be reported separately. A single incident is when the following conditions have been met:
    - 1. after implementing the manual restraint, staff attempt to release the person at the moment staff believe the person's conduct no longer poses an imminent risk of physical harm to self or others and less restrictive strategies can be implemented to maintain safety;
    - 2. upon the attempt to release the restraint, the person's behavior immediately re-escalates; and
    - 3. staff must immediately re-implement the manual restraint in order to maintain safety.

**X. Internal Review of Emergency Use of Manual Restraint**

- A. Within 5 business days after the date of the emergency use of a manual restraint, True Friends must complete and document an internal review of the report prepared by the staff member who implemented the emergency procedure.
- B. The internal review must include an evaluation of whether:
  - 1. the person's service and support strategies need to be revised;
  - 2. related policies and procedures were followed;
  - 3. the policies and procedures were adequate;
  - 4. there is need for additional staff training;
  - 5. the reported event is similar to past events with the persons, staff, of the services involved; and
  - 6. there is a need for corrective action by the program to protect the health and safety of persons.
- C. Based on the results of the internal review, True Friends must develop, document, and implement a corrective action plan for the program designed to correct current lapses and prevent future lapses in performance by individuals or True Friends.
- D. The corrective action plan, if any, must be implemented within 30 days of the initial review being completed.
- E. True Friends has identified that the Director of Respite Services and/or the Director of Camping and Volunteer Services will be the responsible party for completion of the internal review.

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**XI. Expanded Support Team Review of Emergency Use of Manual Restraint**

- A. Within 5 working days after the completion of the internal review, True Friends must consult with the expanded support team to:
  - 1. Discuss the incident to:
    - a) define the antecedent or event that gave rise to the behavior resulting in the manual restraint; and
    - b) identify the perceived function the behavior served.
  - 2. Determine whether the person's coordinated service and support plan addendum needs a revised addendum to:
    - a) positively and effectively help the person maintain stability; and
    - b) reduce or eliminate future occurrences of manual restraint.
- B. True Friends must maintain a written summary of the expanded support team's discussion and decisions in the person's service recipient record.
- C. True Friends has identified that the Director of Respite Services and/or the Director of Camping and Volunteer Services will be the responsible party for completion of the expanded review and for ensuring that the person's coordinated services and support plan addendum is revised, when determined necessary.

**XII. External Review and Reporting of Emergency Use of Manual Restraint**

Within 5 working days after the completion of the expanded support team review, True Friends must submit the following to the Department of Human Services using the online behavior intervention form which automatically routes the report to the Office of the Ombudsman for Mental Health and Development Disabilities:

- 1. report of the emergency use of a manual restraint;
- 2. the internal review and corrective action plan; and
- 3. the expanded support team review written summary.

**XIII. Staff Training**

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

- A. True Friends must provide staff with orientation and annual training required in Minnesota Statutes, section 245D.09.
  - 1. Before having unsupervised direct contact with persons served by True Friends, 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;

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- 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) 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.
2. Within 60 days of hire True Friends 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 True Friends 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; and
  - h) 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 January 1, 2014.
- C. True Friends must maintain documentation of the training received and of each staff person's competency in each staff person's personnel record.

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**Policy reviewed and authorized by:**

**Legal Authority: Minn. Stat. 245D.06, subd. 5 to subd. 8; 245D.061**