



POLICY AND PROCEDURE ON EMERGENCY USE OF MANUAL RESTRAINT

I. PURPOSE

The purpose of this policy is to promote service recipient rights and protect the health and safety of persons served during behavioral crises. This policy will also promote appropriate and safe interventions needed when addressing behavioral situations.

II. POLICY

It is the policy of MRCI to ensure the health and safety of individuals served. To do this, MRCI has instituted a policy that does not include emergency use of manual restraint. According to MN Statutes, section 245D.02, subdivision 8a, emergency use of manual restraint is defined as “using a manual restraint when a person poses an imminent risk of physical harm to self or others and 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 does not constitute an emergency.”

This MRCI Policy DOES NOT allow for the use of Manual Restraint when a person poses an imminent risk of physical harm to self or others but does allow for the use of de-escalation strategies and emergency personnel intervention.

III. PROCEDURE

Positive support strategies

- A. MRCI will attempt to de-escalate a person’s behavior before it poses an imminent risk of physical harm to self or others. Some of the following procedures could be used to de-escalate the situation and are options that could be implemented by staff. This is not a fully inclusive list of options that could include:
1. A calm discussion between the person served and direct support specialist regarding the situation, the person’s feelings, their responses, and alternative methods to handling the situation, etc.
 2. A staff suggesting or recommending that the person participate in an activity they enjoy to self-calm.
 3. A staff to suggest or remind that the person served has options that they may choose to spend time alone, when safety permits, to self-calm.
 4. The individualized strategies that have been written into the person’s *Coordinated Service and Support Plan (CSSP)* and/or *CSSP-Addendum*, or *Positive Support Transition Plan*.
 5. The implementation of instructional techniques and intervention procedures that are listed as “permitted actions and procedures” as defined in Letter B of this positive support strategies section.
 6. With proper training, MRCI staff are permitted to engage in allowed Mandt procedures, see attachment A.
 7. A combination of any of the above.
- B. Permitted actions and procedures include the use of instructional techniques and intervention procedures used on an intermittent or continuous basis. If used on a continuous basis, it must be addressed in the person’s *Coordinated Service and Support Plan Addendum*. These actions include:
1. Physical contact or instructional techniques that are the least restrictive alternative possible to meet the needs of the person and may be used to:
 - a. Calm or comfort a person by holding that person with no resistance from that person.
 - b. Protect a person known to be at risk or injury due to frequent falls because of a medical



- condition.
 - c. 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 or duration.
 - d. 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 with less than 60 seconds of physical contact by staff.
 - e. Redirect a person's behavior when the behavior does not pose a serious threat to the person or others and the behavior is effectively redirected with less than 60 seconds of physical contact by staff.
 - f. 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.
 - g. Position a person with physical disabilities in a manner specified in their Coordinated Service and Support Plan Addendum.
2. Use of adaptive aids or equipment, orthotic devices, or other medical equipment ordered by a licensed health professional to treat a diagnosed medical condition do not in and of themselves constitute the use of mechanical restraint.
 3. Positive verbal correction that is specifically focused on the behavior being addressed.
 4. Temporary withholding or removal of objects being used to hurt self or others.

Prohibited Procedures

MRCI and its staff are prohibited from using the following:

- A. Chemical restraints
- B. Mechanical restraints
- C. Manual restraints
- D. Time out
- E. Seclusion
- F. Any other aversive or deprivation procedures
- G. As a substitute for adequate staffing
- H. For a behavioral or therapeutic program to reduce or eliminate behavior
- I. Punishment
- J. Interventions for staff convenience
- K. Prone restraint, metal handcuffs, or leg hobbles
- L. Faradic shock
- M. Speaking to a person in a manner that ridicules, demeans, threatens, or is abusive
- N. Physical intimidation or a show of force
- O. Containing, restricting, isolating, secluding, or otherwise removing a person from normal activities when it is medically contraindicated or without monitoring the person served
- P. Denying or restricting a person's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the person's functioning. When the temporary removal of the equipment or device is necessary to prevent injury to the person or others or serious damage to the equipment or device, the equipment or device must be returned to the person as soon as imminent risk of injury or serious damage has passed.
- Q. Painful techniques, including intentional infliction of pain or injury, intentional infliction of fear of pain or injury, dehumanization, and degradation
- R. Hyperextending or twisting a person's body parts
- S. Tripping or pushing a person
- T. Requiring a person to assume and maintain a specified physical position or posture
- U. Forced exercise
- V. Totally or partially restricting a person's senses
- W. Presenting intense sounds, lights, or other sensory stimuli
- X. Noxious smell, taste, substance, or spray, including water mist
- Y. Depriving a person of or restricting access to normal goods and services, or requiring a person to earn normal goods and services



- Z. Token reinforcement programs or level programs that include a response cost or negative punishment component
- AA. Using a person receiving services to discipline another person receiving services
- BB. Using an action or procedure which is medically or psychologically contraindicated
- CC. Using an action or procedure that might restrict or obstruct a person's airway or impair breathing, including techniques whereby individuals use their hands or body to place pressure on a person's head, neck, back, chest, abdomen, or joints
- DD. Interfering with a person's legal rights, except as allowed by MN Statutes, section 245D.04, subdivision 3, paragraph (c).

Emergency use of manual restraint

If the positive support strategies were not effective in de-escalating or eliminating the person's behavior, initiating involvement with emergency personnel may be necessary.

- A. A restrictive intervention means prohibited procedures identified in MN Statutes, section 245D.06, subdivision 5; prohibited procedures identified in MN Rules, part 9544.006; and the emergency use of manual restraint.
A restrictive procedure must not:
 - 1. Be implemented with a child in a manner that constitutes sexual abuse, neglect, physical abuse, or mental injury as defined in MN Statutes, chapter 260E.
 - 2. Be implemented with an adult in a manner that constitutes abuse or neglect as defined in MN Statutes, section 626.5572, subdivisions 2 or 17.
 - 3. Be implemented in a manner that violates a person's rights identified in MN Statutes, section 245D.04.
 - 4. 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, or to any protection required by state licensing standards and federal regulations governing the program.
 - 5. Deny the person visitation or ordinary contact with legal counsel, a legal representative, or next of kin.
 - 6. 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 of services provided by MRCI.
 - 7. Use prone restraint (that places a person in a face-down position).
 - 8. Apply back or chest pressure while a person is in the prone or supine (face-up) position.
 - 9. Be implemented in a manner that is contraindicated for any of the person's known medical or psychological limitations.
- B. MRCI educates and trains staff in a system of gradual and graded alternatives for de-escalating and supporting people, using a combination of interpersonal communication skills and physical interaction techniques.
- C. If a person's licensed health care professional or mental health professional has determined that a manual restraint would be medically or psychologically contraindicated, MRCI will not use a manual restraint to eliminate the immediate risk of harm and effectively achieve safety. This statement of whether a manual restraint would be medically or psychologically contraindicated will be completed as part of service initiation planning.

Positive Support Transition Plans (PSTP)

MRCI must and will develop a *Positive Support Transition Plan* on forms provided by the Department of Human Services and in the manner directed for a person served who requires intervention in order to maintain safety when it is known that the person's behavior poses an immediate risk of physical harm to self or others. A PSTP must be developed in accordance with MN Statutes, section 245D.06, subdivision 8 and MN Rules, part 9544.0070 for a person who has been subjected to three (3) incidents of EUMR within 90 days or four (4) incidents of EUMR within 180 days. This *Positive Support Transition*



Plan will phase out any existing plans for the emergency use or programmatic use of restrictive interventions prohibited under MN Statutes, Chapter 245D and MN Rules, Chapter 9544.

Procedures during a behavioral crisis

- A. MRCI does not allow emergency use of manual restraint.
- B. During an escalated behavioral crisis, MRCI will monitor the person's behaviors and call "911" if necessary.
- C. MRCI will redirect individuals at risk of harm to a safe location.
- D. MRCI will follow the instructions of emergency personnel
- E. MRCI will notify the Designated Coordinator and request assistance if needed.

Reporting procedures after a behavioral crisis

- A. MRCI does not allow emergency use of manual restraint.
- B. MRCI will notify the person's team members of all 245D reportable incidents.
- C. For incidents in which a person's behavior posed imminent risk of harm to self or others and required assistance from emergency personnel:
 - 1. Within 24 hours of the incident, MRCI will make a written or verbal report regarding the incident to the legal representative or designated emergency contact and case manager. If other persons served were involved in the incident, MRCI will not disclose any personally identifiable information about any other person when making the report unless MRCI has the consent of the person.
 - 2. Within three (3) calendar days of the incident, the primary staff involved will report, in writing, to the Coordinator the following information:
 - i. The staff and person(s) served who were involved in the incident.
 - ii. A description of the physical and social environment, including who was present before and during the incident.
 - iii. A description of what less restrictive alternative measures were attempted to de-escalate the incident and maintain safety before "911" was called. This description must identify the when, how, and how long the alternative measures were attempted before "911" was called.
 - iv. A description of the mental, physical, and emotional condition of the person who was exhibiting unsafe behaviors, and other persons involved in the incident leading up to, during, and following the incident.
 - v. Whether there was any injury to the person exhibiting unsafe behavior or other persons involved, including staff, before or as a result of the incident.
 - vi. Whether there was a debriefing with the staff, with the person exhibiting unsafe behavior and other persons who were involved in or who witnessed the incident, following the incident. The outcome of the debriefing will be clearly documented and if the debriefing could not occur at the time of the incident, the report will identify whether a debriefing is planned in the future.
 - 3. Within five (5) working days of the incident, the Coordinator will complete and document an internal review. The internal review will include an evaluation of whether:
 - i. The person's served service and support strategies developed according to MN Statutes, sections 245D.07 and 245D.071 need to be revised.
 - ii. Related policies and procedures were followed.
 - iii. The policies and procedures were adequate.
 - iv. There is a need for additional staff training.
 - v. The reported event is similar to past events with the persons, staff, or the services involved.
 - vi. There is a need for corrective action by the company to protect the health and safety of the person(s) served.
 - 4. Based upon the results of the internal review, MRCI will develop, document, and implement a corrective action plan for the program designed to correct current lapses and prevent future



lapses in performance by the individuals or MRCI, if any. The Director will ensure that the corrective action plan, if any, is implemented within 30 days of the internal review being completed.

5. Within five (5) working days after the completion of the internal review, the Coordinator will consult with the person's expanded support team following the incident. The purpose of this consultation is to:
 - i. Discuss the incident and to define the antecedent or event that gave rise to the behavior resulting in the "911" call and identify the perceived function the behavior served.
 - ii. Determine whether the person's served *Coordinated Service and Support Plan Addendum* needs to be revised to positively and effectively help the person maintain stability and to reduce or eliminate future occurrences.
6. The following information will be maintained in the person's service recipient record:
 - i. The incident report
 - ii. The internal review and the corrective action plan, with information about implementation of correction within 30 days, if any.
 - iii. The written summary of the expanded support team's discussion and decision
 - iv. The notifications to the expanded support team, the Department of Human Services, and Ombudsman if needed.

Staff training requirements

- A. MRCI recognizes the importance of having qualified and knowledgeable staff that are competently trained to uphold the rights of persons served and to protect persons' health and safety. All staff will receive orientation and annual training according to MN Statutes, section 245D.09, subdivisions 4, 4a and 5. Orientation training will occur within the first 60 days of hire and annual training will occur within a period of 12 months.
- B. Prior to having unsupervised direct contact with a person served by the company or for whom the staff has not previously provided support, or any time the plans or procedures are revised as they relate to the staff person's job functions for the persons served, the staff person must review and receive instruction on:
 1. What constitutes use of restraints, time out, and seclusion including chemical restraints.
 2. Staff responsibilities related to the prohibitions of their use according to this policy and MN Statutes, section 245D.06, subdivision 5. MN Rules, part 9544.0060, or successors provisions, why such procedures are not effective for reducing or eliminating symptoms or undesired behavior and why such procedures are not safe.
- C. Before staff provide unsupervised contact with a person served, and in addition to the training on this policy and procedure and the orientation and annual training requirements, staff must receive training on the following topics:
 1. 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.
 2. De-escalation methods, positive support strategies, and how to avoid power struggles.
 3. How to properly identify thresholds for implementing and ceasing restrictive procedures.
 4. The physiological and psychological impact on the person and the staff when restrictive procedures are used.
 5. The communicative intent of behaviors.
 6. Relationship building.
- D. For staff that are responsible to develop, implement, monitor, supervise, or evaluate positive support strategies and *Positive Support Transition Plans*, the staff must complete a minimum of eight (8) hours of core training from qualified individuals prior to assuming these responsibilities. Core training must include the following:
 - a. De-escalation techniques and their value
 - b. Principles of person-centered service planning and delivery and how they apply to direct support services provided by staff

- c. Principles of positive support strategies such as positive behavior supports, the relationship between staff interactions with the person and the person's behavior, and the relationship between the person's environment and the person's behavior
 - d. What constitutes the use of restraint, including chemical restraint, time out, and seclusion
 - e. Staff responsibilities related to prohibited procedures under MN Statutes, section 245D.06, subdivision 5; why the procedures are not effective for reducing or eliminating symptoms or interfering behavior; and why the procedures are not safe
 - f. Staff responsibilities related to restricted and permitted actions and procedure according to MN Statutes, section 245D.06, subdivisions 6 and 7
 - g. Situations in which staff must contact 911 services in response to an imminent risk of harm to the person or others
 - h. Procedures and forms staff must use to monitor and report use of restrictive interventions that are part of a *Positive Support Transition Plan*
 - i. Procedures and requirements for notifying members of the person's expanded support team after the use of a restrictive intervention with the person
 - j. Understanding of the person as a unique individual and how to implement treatment plans and responsibilities assigned to the license holder
 - k. Cultural competence
 - l. Personal staff accountability and staff self-care after emergencies.
- E. Staff who develop positive support strategies, license holders, executives, managers, and owners in non-clinical roles, must complete a minimum of four (4) hours of additional training. Function-specific training must be completed on the following:
- a. Functional behavior assessment
 - b. How to apply person-centered planning
 - c. How to design and use data systems to measure effectiveness of care
 - d. Supervision, including how to train, coach, and evaluate staff and encourage effective communication with the person and the person's support team.
- F. License holders, executives, managers, and owners in non-clinical roles must complete a minimum of two (2) hours of additional training. Function-specific training must be completed on the following:
- a. How to include staff in organizational decisions
 - b. Management of the organization based upon person-centered thinking and practices and how to address person-centered thinking and practices in the organization
 - c. Evaluation of organizational training as it applies to the measurement of behavior change and improved outcomes for persons receiving services.
- G. Annually, staff must complete four (4) hours of refresher training covering each of the training topics listed in items D, E, and F listed above.
- H. For each staff, the license holder must document, in the personnel record, completion of core training, function-specific training, and competency testing or assessment. Documentation must include the following:
- a. Date of training
 - b. Testing or assessment completion
 - c. Number of training hours per subject area
 - d. Name and qualifications of the trainer or instructor.
- I. The license holder must verify and maintain evidence of staff qualifications in the personnel record. The documentation must include the following:
- a. Education and experience qualifications relevant to the staff's scope of practice, responsibilities assigned to the staff, and the needs of the general population of persons served by the program; and
 - b. Professional licensure, registration, or certification, when applicable.



ATTACHMENT A: ALLOWED PROCEDURES

ALLOWED PROCEDURES

MRCI trains all staff in the interactional, de-escalation and post-incident techniques used by the MANDT System. The Mandt System is a comprehensive, integrated approach to preventing, de-escalating, and if necessary, intervening when the behavior of an individual poses a threat of harm to themselves and/or others.

The MANDT System focuses on building healthy relationships, communication, and conflict resolution; medical risk factors, assisting and supporting; and restraining techniques. MRCI does not allow restraining techniques.

The MANDT physical skills taught by MRCI may include:

- proper stances,
- walking with and accompanying,
- escorting,
- assisting a person from the floor,
- one person side body hold (for support, not restraint),
- two-person side body hold (for support, not restraint),
- one arm support (for support, not restraint),
- two arm support (for support, not restraint),
- one arm two-person support (for support, not restraint),
- bite release,
- turn and step,
- wrist release, finger release, clothing release,
- hair pull,
- following a person to the floor,
- two-person separating

Refer to the MANDT manual for specific details and techniques.