

5123:2-3-25

**Discipline, restraint, behavior modification, and abuse of residents.**

- (A) All employees of every residential care facility shall treat each resident with kindness, consistency, and respect.
- (B) The residential care facility shall have written policies and procedures available to the residents and to parents and guardians. If appropriate, residents shall participate in formulating these policies and procedures. The written policies and procedures shall include, but not be limited to, enforcement of the following:
- (1) Control and discipline. The residential care facility shall use only constructive methods of discipline. The residential care facility may not allow:
- (a) Corporal punishment of a resident;
  - (b) A resident to discipline another resident; or
  - (c) A resident to be placed alone in a locked room.
- (2) Chemical and physical restraints
- (a) Each resident shall be free from chemical and physical restraints unless the restraints are:
    - (i) Authorized by a physician in writing for a specified period of time;
    - (ii) Used in an emergency under the following conditions:
      - (a) The use is necessary to protect the resident from injuring himself or others;
      - (b) The use is authorized by a professional staff member identified in the written policies and procedures of the residential care facility as having authority to do so; and
      - (c) The use is reported promptly to the resident's physician by that staff member; or
    - (iii) Used during a behavior modification session for a resident who has mental retardation or other developmental disabilities under the following conditions:

- (a) The use is authorized in writing by a physician; and
- (b) The parent or legal guardian of the resident gives his informed consent to the use of restraints or aversive stimuli.

(b) Physical restraints

- (i) Except as provided for in behavior modification programs, the residential care facility may allow the use of physical restraint on a resident only if absolutely necessary to protect the resident from injuring himself or others.
- (ii) The residential care facility may not use physical restraint:
  - (a) As punishment;
  - (b) For convenience of staff; or
  - (c) As a substitute for activities or treatment.
- (iii) The residential care facility shall have a written policy which specifies:
  - (a) How and when physical restraints may be used;
  - (b) The staff member who must authorize its use; and
  - (c) The method for monitoring and controlling its use.
- (iv) An order for physical restraint may not be in effect longer than twelve hours.
- (v) Appropriately trained staff shall check a resident placed in a physical restraint at least every thirty minutes and keep a record of these checks.
- (vi) A resident who is in physical restraint shall be given an opportunity for motion and exercise for a period of not less than ten minutes during each two hours of restraint.

- (vii) Mechanical devices used for physical restraint shall be designed and used in a way that causes the resident no physical injury and the least possible physical discomfort.
  - (viii) A totally enclosed crib or a barred enclosure is a physical restraint.
  - (ix) Mechanical supports used to achieve proper body position and balance are not physical restraints. However, mechanical supports shall be designed and applied under the supervision of a qualified professional and in accordance with the principles of good body alignment, concern for circulation, and allowance for change of position.
- (c) Chemical restraints. The residential care facility may not use chemical restraint:
- (i) Excessively;
  - (ii) As punishment;
  - (iii) For the convenience of the staff;
  - (iv) As a substitute for activities or treatment; or
  - (v) In quantities that interfere with a resident's habilitation program.

(3) Behavior modification programs

- (a) Behavior modification programs involving the use of aversive stimuli or timeout devices shall be:
  - (i) Reviewed and approved by the interdisciplinary team or a QMRP;
  - (ii) Conducted only with the consent of the affected resident's parents or legal guardian; and
  - (iii) Described in written plans that are kept on file in the residential care facility.

- (b) A physical restraint used as a timeout device may be applied only during behavior modification exercises and only in the presence of the trainer.
- (c) For timeout purposes, timeout devices and aversive stimuli may not be used for longer than one hour and then only during the behavior modification program and only under the supervision of the trainer.
- (4) Abuse. Each resident shall be free from mental and physical abuse. No operator, administrator, employee, or other person shall fail to report within twenty-four hours any suspected, alleged, observed, or reported abuse or neglect of any resident to the local law enforcement authority, the county welfare department with children's protective services, or the children's services board and board of mental retardation and developmental disabilities, the licensure office, and, in the case of children, the county welfare department with children's protective services or the county children's services board.

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Certification

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