



Emergency Use of Manual Restraints Policy

1. Scope

This policy is for CANANA employees.

2. Terms and Definitions

Term	Definition
Emergency use of manual restraint	This 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.

3. Policy Details

It is the policy of this DHS licensed provider, CANANA, to promote the rights of clients served by our programs and to protect their health and safety during the emergency use of manual restraints.

4. Procedures

1. Positive support strategies and techniques are 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:

- 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; or
- Respect the person's need for physical space and/or privacy.

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

- Eliminate the use of prohibited procedures as identified in section III of this policy;
- Avoid the emergency use of manual restraint as identified in section I of this policy;
- Prevent the person from physically harming self or others; or Phase out any existing plans for the emergency or programmatic use of restrictive interventions 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 use the least restrictive alternative possible to meet the needs of the person and may be used to:

- Calm or comfort a client by holding that client with no resistance from that person
- Protect a person known to be at risk of injury due to frequent falls as a result of a medical condition;
- Facilitate the person's completion of a task or response when the client does not resist or the person's resistance is minimal in intensity and duration; or
- Block or redirect a client's limbs or body without holding the person or limiting the client'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; or
- Redirect a client's behavior when the behavior does not pose a serious threat to the client or others and the behavior is effectively redirected with less than 60 seconds of physical contact by staff.

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

- 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 client necessary to promote healing or recovery from an acute, meaning short-term, medical condition; or
- Assist in the safe evacuation or redirection of a client in the event of an emergency and the client is at imminent risk of harm; or
- Position a client with physical disabilities in a manner specified in the client's coordinated service and support plan addendum.

The circumstances listed in this Section are not subject to the conditions, restrictions, monitoring, reporting and/or reviewing that is required of an Emergency Use of Manual Restraint as defined in the following sections of this policy.

C. 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.

4. 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:

- Chemical restraint
- Mechanical restraint
- Manual restraint
- Time out
- Seclusion; or
- Any aversive or deprivation procedure.

5. Manual Restraints Not Allowed in Emergencies

A. This 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:

- Continue to utilize the positive support strategies
- Continue to follow individualized strategies in a client'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 in order 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.

B. As described in Section 3B , restraint may be used as an intervention procedure to:

- 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 client necessary to promote healing or recovery from an acute, meaning short-term, medical condition;
- Assist in the safe evacuation or redirection of a client in the event of an emergency and the person is at imminent risk of harm; or
- Position a person with physical disabilities in a manner specific in the person's coordinated service and support addendum.

C. The program will not allow the use of an alternative safety procedure with a client when it has been determined by the client's physician or mental health provider to be medically or psychologically contraindicated for a client. This program will complete an assessment of whether the allowed procedures are contraindicated for each client 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).

6. Conditions for Emergency Use of Manual Restraint

This program does not allow the use of manual restraints on an emergency basis; however, all staff must be trained on the material listed below to be in compliance with MN Statute 245D.061 Subd 9.

A. Emergency use of manual restraint must meet the following conditions:

- Immediate intervention must be needed to protect the client or others from imminent risk of physical harm;
- The type of manual restraint used must be the least restrictive intervention to eliminate the immediate risk of harm and effectively achieve safety; and
- 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:

- The client is engaging in property destruction that does not cause imminent risk of physical harm;
- The client is engaging in verbal aggression with staff or others; or
- A client's refusal to receive or participate in treatment or programming.

7. Restrictions When Implementing Emergency Use of Manual Restraint

This program does not allow the use of manual restraints on an emergency basis; however, all staff must be trained on the material listed below to be in compliance with MN Statute 245D.061 Subd 9.

Emergency use of manual restraint must not:

- Be implemented with a child in a manner that constitutes sexual abuse, neglect, physical abuse, or mental injury;
- Be implemented with an adult in a manner that constitutes abuse or neglect;
- Be implemented in a manner that violates a client's rights and protection;
- Be implemented in a manner that is medically or psychologically contraindicated for a person;
- Restrict a client's normal access to a nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, or necessary clothing;
- Restrict a client's normal access to any protection required by state licensing standards and federal regulations governing this program;
- Deny a client visitation or ordinary contact with legal counsel, a legal representative, or next of kin;
- 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;

- 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
- Apply back or chest pressure while a person is in a prone position, supine (meaning a face-up) position, or side-lying position,
- Be implemented in a manner that is contraindicated for any of the person’s known medical or psychological limitations.

8. Monitoring Emergency Use of Manual Restraint

This program does not allow the use of manual restraints on an emergency basis; however, all staff must be trained on the material listed below to be in compliance with MN Statute 245D.061 Subd 9.

A. The program must monitor a client’s health and safety during an emergency use of a manual restraint. The purpose of the monitoring is to ensure the following:

- Only manual restraints allowed in this policy are implemented
- Manual restraints that have been determined to be contraindicated for a client are not implemented with that client
- Allowed manual restraints are implemented only by staff trained in their use
- The restraint is being implemented properly as required; and
- The mental, physical, and emotional condition of the client who is being manually restrained is being assessed and intervention is provided when necessary to maintain the client’s health and safety and prevent injury to the client, 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.

9. Reporting Emergency Use of Manual Restraint

This program does not allow the use of manual restraints on an emergency basis; however, all staff must be trained on the material listed below to be in compliance with MN Statute 245D.061 Subd 9.

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

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

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 following information about the emergency use:

- Who was involved in the incident leading up to the emergency use of a manual restraint; including the names of staff and clients receiving services who were involved;

- 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;
- 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;
- A description of the mental, physical, and emotional condition of the who was manually restrained, leading up to, during, and following the manual restraint;
- A description of the mental, physical, and emotional condition of the other clients involved leading up to, during, and following the manual restraint;
- Whether there was any injury to the person who was restrained before or as a result of the use of a manual restraint;
- Whether there was any injury to other persons, including staff, before or as a result of the use of a manual restraint; and
- Whether there was a debriefing with the staff and, if not contraindicated, with the client who was restrained and other clients 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 client's service recipient record. The record must be uniform and legible.

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

- 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;
- Upon the attempt to release the restraint, the client's behavior immediately re-escalates; and
- 3 Staff must immediately re-implement the manual restraint in order to maintain safety.

10. Internal Review of Emergency Use of Manual Restraint

This program does not allow the use of manual restraints on an emergency basis; however, all staff must be trained on the material listed below to be in compliance with MN Statute 245D.061 Subd 9.

A. Within 5 business days after the date of the emergency use of a manual restraint, the program 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:

- The person's service and support strategies need to be revised;
- Related policies and procedures were followed;
- The policies and procedures were adequate;
- There is need for additional staff training;
- The reported event is similar to past events with the persons, staff, or the services involved; and

- There is a need for corrective action by the program to protect the health and safety of clients.

C. Based on the results of the internal review, the program 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 the program.

D. The corrective action plan, if any, must be implemented within 30 days of the internal review being completed.

E. The program has identified the following staff or position responsible for conducting the internal review and for ensuring that corrective action is taken, when determined necessary: The Associate Director of Family Services or the Director of Family Services.