



Minnesota Department of **Human Services**

Positive Support Community of Practice

6/10/14

2014 Legislative Session Updates

Purpose of PSCoP

Provide training and technical assistance on the new standards in 245D regarding positive support, emergency use of manual restraint and the creation of positive support transition plans

June 10th Agenda

- Provide overview of legislation affecting 245D
- Focus on legislation affecting behavior interventions/positive support transition plans

Note: The session presenting the draft rule on positive supports has been postponed to Sept 2

Public Input Sessions

~~June 10th; 10a-12p; Positive Support Community of Practice~~

~~June 24th; 9a-12p~~

July 23rd; 9a-12p

July 25th; 1:30p-4:30p

July 29th; 9a-12p

August 6th; 9a-12p

August 12th; 1:30p-4:30p

August 19th; 1:30p-4:30p

Sept 2nd; 10a-12p; Positive Support Community of Practice

Overview of 2014 Legislative Session

HEIDI HAMILTON

DHS DISABILITY SERVICES DIVISION LEGISLATIVE LEAD

Q&A

Email your questions to:

positivesupports@state.mn.us

2014 Legislative Session

Summary of legislation pertinent to behavior interventions

- Amendment/expansion of rulemaking authority
- Creation of external program review committees
- Creation of interim review panel
- Comprehensive prohibition of prone restraint
- “Auxiliary device to ensure a person does not unfasten a seat belt” remains mechanical restraint.

House File 3172, Senate File 2785
Laws of Minnesota Chapter 312

New Minnesota Rule

Positive Support Strategies and Emergency Manual Restraint

The commissioner of human services shall, by August 31, 2015, adopt rules governing the use of positive support strategies, emergency use of manual restraint, and restricting or prohibiting the use of restrictive interventions, in all facilities and services licensed under 245D and in all licensed facilities and licensed services serving persons with a developmental disability or related condition...

Text: House File 3172, Amending M.S. 245.8251

Sources for Rule

- Rule 40 Advisory Committee Recommendations
- DHS Comprehensive Plan of Action
 - Tied to Jensen Settlement
 - Contains provisions related to new rule
- Recommendations from Dr. Fredda Brown
 - Court Monitor consultant
 - Recommendations on gaps in Rule 40 Advisory Recommendations

Documents available on the [Rule 40 Advisory Committee](#) website

External Program Review Committee

- Review 'emergency use of procedure' requests
 - Danger of injury due to self-injurious behavior
 - Procedures incorporated in PSTP
- Makes recommendations to DHS
- Commissioner has authority to approve use
- Interim review panel serves until creation

Interim Review Panel

- Created by August 15th, 2014
- Perform duties of the External Program Review Committee until rule promulgated
- Request process and format TBD
- Notifications will go out via e-list

Prohibition on prone restraint

- Under 245D, prone was prohibited only if used during the emergency use of manual restraint
- If included in a PSTP, could be utilized for maximum of 11-months

Implications

- Use of prone under any circumstances will be considered a violation of 245D after July 1, 2014
- PSTPs including the use of prone must be revised to exclude prone

Q&A

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