



Minnesota Department of **Human Services**

# Positive Support Community of Practice

(PSCoP)

1/21/14

# 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

# PSCoP Schedule

- Biweekly; every other Tuesday
- Likely meet through 2014
- Each session:
  - Training topic
  - Update on statewide implementation
  - Success stories
  - Technical assistance

# PSCoP Tentative Topics

Person-centered planning  
Illness Management & Recovery best practices  
PRNs/Psychotropic Medication  
Monitoring Quality of Life  
Emergency use of Manual Restraint  
Motivational Interviewing  
Positive Behavior Support/PBIS  
Trauma-informed care  
Working with EMS/911/Police  
Crisis planning  
Interaction between 245D and the Vulnerable  
Adult/Maltreatment of Minors Act  
Emergency services/crisis stays  
Mechanical restraint  
Self-injurious behavior  
Olmstead & behavior intervention  
Pitfalls of Punishment Developmental Repair  
Cognitive-Behavior Therapies  
Dialectical Behavior Therapies

Applied Behavior Analysis  
Psychoanalysis/Counseling  
Functional Behavior Assessments/Functional  
Assessments  
MN Crisis Resources  
Crisis training providers (i.e. Mandt, CPI, AIT, PIA,  
etc.)  
Role of the case manager  
MnCHOICES and behavior interventions  
HCBS Waiver Services  
WRAP  
ACT  
Developing natural support systems  
Including the community in community integration  
Peer Supports  
Clubhouses and social networks  
PSTP Reviews (Data Reviews)

# Agenda

- Introduction and updates
- 245D requirements for Behavior Interventions
- Requirements for Positive Support Transition Plans
- Walkthrough of Form-6810
- Q&A

# How to submit questions

Email your questions to:

[DHS.Rule40@state.mn.us](mailto:DHS.Rule40@state.mn.us)

# BIRF Data - Overview

**July 2013 – January 3<sup>rd</sup>, 2014**

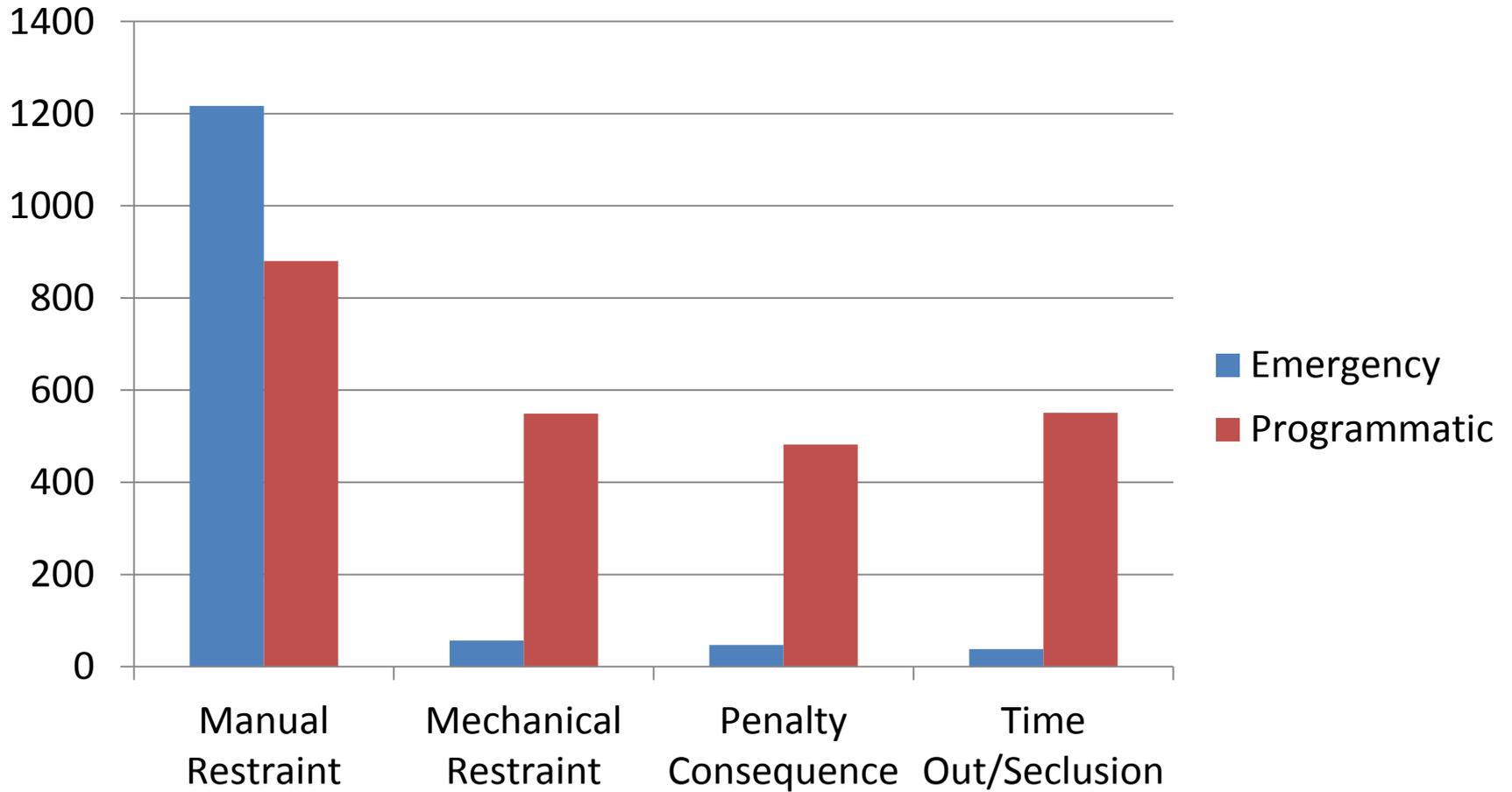
Number of Incidents received: 4,499

Number of providers reporting: 250

Number of persons reported on: 825

Number of persons with a Rule 40 plan: 171

# BIRF Data



# 245D & Behavior Interventions

# 245D & Behavior Interventions

- 245D superseded most parts of Rule 40
- Defined prohibited, restricted and permitted actions
- Required reporting to DHS & Ombudsman MH/DD
- Positive support transition plans

# 245D Prohibited Behavior Interventions\*

- Chemical Restraint
- Mechanical Restraint
- Prone restraint
- Manual Restraint, other than in an emergency
- Time Out
- Seclusion
- Any aversive or deprivation procedure

\*245D.06, subd. 5

# 245D Allowable Behavior Intervention

## Emergency Use of Manual Restraint (EUMR):

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 do not constitute an emergency

245D.02, subd. 8a

# Behavior Intervention Report Form

245D providers must report the following:

1. Emergency use of manual restraint
2. Procedures incorporated into a Positive Support Transition Plan
3. Data elements from Advisory Committee
- ~~4. Planned use of controlled procedures~~
- ~~5. Emergency use of controlled procedures~~

[Behavior Intervention Report Form](#)

# Report meets requirements...

- ~~Rule 40 Quarterly Report~~
- ~~Emergency Use of Controlled Procedure~~
- Aversive procedure data elements
  - 245.8251
  - 256B.4912, subdivision 8
- Emergency Use of Manual Restraint -  
245D.061 subd. 8
- Monitor form – 245D.061, subd. 4

# Report Timelines

## **245D report timelines**

- 3 calendar days – written report from staff
  - 5 working days – complete internal review
  - 5 working days – expanded support team consult
  - 5 working days – external report
- 15 working days

*\*Rule 40 reporting timelines in effect until 12/31/13*

# 245D & Positive Support Transition Plans

# Positive Support Transition Plan (PSTP)

The plan required by 245D providers to:

1. Eliminate the use of *prohibited* procedures
2. Avoid the emergency use of manual restraint
3. Prevent the person from physically harming self or others
4. Increase quality of life

*PSTP replaced Rule 40 & Behavior Support Plans*

# PSTP Defined

## *245D.02: Definitions*

Subd. 23b. **Positive support transition plan.** "Positive support transition plan" means the plan required in section 245D.06, subdivision 5, paragraph (b), to be developed by the expanded support team to implement positive support strategies to:

- (1) eliminate the use of prohibited procedures as identified in section 245D.06, subdivision 5, paragraph (a);
- (2) avoid the emergency use of manual restraint as identified in section 245D.061; and
- (3) prevent the person from physically harming self or others.

# 245D Prohibited Behavior Interventions\*

- Chemical Restraint
- Mechanical Restraint
- Prone restraint
- Manual Restraint, other than in an emergency
- Time Out
- Seclusion
- Any aversive or deprivation procedure

\*245D.06, subd. 5

## *245D.06: Protection Standards*

Subd. 8. **Positive support transition plan.** License holders must develop a positive support transition plan on the forms and in the manner prescribed by the commissioner for a person 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. The positive support transition plan forms and instructions will supersede the requirements in Minnesota Rules, parts 9525.2750; 9525.2760; and 9525.2780..

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# Timelines

## *245D.06: Protection Standards, subdivision 8 continued...*

The positive support transition plan must phase out any existing plans for the emergency or programmatic use of aversive or deprivation procedures prohibited under this chapter within the following timelines:

- (1) for persons receiving services from the license holder before January 1, 2014, the plan must be developed and implemented by February 1, 2014, and phased out no later than December 31, 2014; and
- (2) for persons admitted to the program on or after January 1, 2014, the plan must be developed and implemented within 30 calendar days of service initiation and phased out no later than 11 months from the date of plan implementation.

# Review of the Positive Support Transition Plan documents

DHS Form-6810: [PSTP](#)

DHS Form- 6810A: [PSTP Review](#)

DHS Form-6810B: [PSTP Instructions](#)

# Q & A

Email your questions to:

[DHS.Rule40@state.mn.us](mailto:DHS.Rule40@state.mn.us)

# Resources

- PSTP <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6810-ENG>
- PSTP Review <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6810A-ENG>
- PSTP Instructions: <http://edocs.dhs.state.mn.us/lfserver/Public/DHS-6810B-ENG>
- [Behavior Intervention Report Form](#) - 5148
- [Behavior Intervention Report Form Instructions](#)
- [Minnesota Statutes 245D](#)
- [Rule 40 Advisory Committee Recommendations](#)
- [Commissioner's Statement on Respect & Dignity](#)
- [Jensen Settlement Agreement](#)
- DSD E-lists – [Instruction to subscribe](#)

# Upcoming PSCoP Meetings

Feb 4, 10a-12p

Feb 18, 10a-12p

Mar 4, 10a-12p

Mar 18, 10a-12p

Notifications sent out through e-list  
PSCoP website under construction