

Kansas Administrative Regulations

Department of Health and Environment

Article 39.—Licensure of Adult Care Homes

28-39-231. Resident behavior and facility practices.

(a) Psychotropic medication shall only be prescribed and used for a resident's treatment program following:

- (1) Receipt of informed consent from the resident, or the resident's legal representative;
- (2) documentation in the resident's record of the rationale for the use of the medication; and
- (3) implementation of an objective monitoring system to determine the impact of the medication on the resident's behavior.

(b) Seclusion shall not be utilized in nursing facilities for mental health.

(c) Restraints shall not be applied to a resident unless it is determined to be required to prevent substantial body injury to the resident or others, and a physician's order and informed consent for the use of the restraint has been obtained.

(1) The extent of the use of restraints shall be the least restrictive necessary to prevent injury.

(2) Standing or "prn" orders for restraint shall be prohibited.

(d) The record of each resident for whom restraint is used shall contain complete information about restraint use that includes:

(1) The informed consent of the resident or the resident's legal representative for the use of the restraint;

(2) the clinical assessment done before the resident was restrained;

(3) the circumstances that led to the use of the restraint;

(4) an explanation of less restrictive measures used before restraint was applied;

(5) the physician's orders for the restraint;

(6) recordings of consistent observation of the resident at least every 15 minutes, or more frequently if needed, to monitor general well-being including vital signs, respirations, circulation, positioning and alertness as medically indicated;

(7) a description of the resident's activity at the time of observation that includes verbal exchanges and behavior;

(8) a description of safety procedures taken at restraint implementation;

(9) a recording of release from the mechanical restraint and exercise and massage every two hours;

(10) recordings of intake of food and fluid; and

(11) recording of use of the toilet.

(e) A resident shall not be allowed to participate in the restraint of another resident.

(f) There shall be written policies that address the basic assumption and philosophy that govern the use of restraint and who may authorize the use of restraint.

(g) During any period of restraint, the facility shall provide for the emotional and physical needs of the resident.

(h) The resident shall be informed of the reason for the restraint and the conditions for release. The resident's legal representative shall be notified within 24 hours of initiation of the use of restraints.

(i) Only persons who have documented training in restraint theory and techniques shall be authorized to assist with the restraint of a resident.

(j) Behavior management programs shall emphasize positive modification practices utilizing current reinforcement theory standard of practice.

(k) Motivation systems shall be based on the principles of positive reinforcement.

(l) Facility motivational systems shall not implement group punishment for the inappropriate behavior of a resident or more than one resident.

(Authorized by and implementing K.S.A. 39-932; effective May 16, 1994.)

***** Authenticated Kansas Administrative Regulation *****