Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Secure Residential Treatment Facilities.

28-4-338. Behavior management.

(a) Policies.

(1) Each secure residential treatment facility shall establish and implement written policy providing for a behavior management system that assists youth to develop inner control and manage their own behavior in a socially acceptable manner. The policy shall provide the following:

(A) Expectations that are age appropriate and that allow for special abilities and limitations; and

(B) positive and negative consequences related to each expectation.

(2) Each facility shall establish written rules of youth conduct that define expected behaviors and related consequences.

(A) A rule book containing expected behaviors, ranges of consequences, and disciplinary procedures shall be given to each youth and youth care staff member.

(B) An acknowledgment of receipt of the rule book shall be signed by each youth and kept in each youth's record.

(C) If a literacy or language problem prevents a youth from understanding the rule book, a staff member or translator shall assist the youth in understanding the rules.

(3) Each staff member who has direct contact with youth shall be thoroughly familiar with the rules of youth conduct, the rationale for the rules, and the intervention options available.

(b) Discipline.

(1) Discipline that is humiliating, frightening, or physically harmful to the youth shall not be used at any time. Each youth shall be protected against all forms of neglect, exploitation, or degrading forms of discipline. No youth shall be isolated or confined in

any dark space. Electronic monitoring or an audio communication system shall not replace the required presence of a youth care staff member.

(2) Corporal punishment shall not be used.

(3) Under no circumstances shall any youth be deprived of meals, clothing, sleep, medical services, exercise, correspondence, parental contact, or legal assistance for disciplinary purposes. If a youth is in involuntary seclusion during normal school hours, school work shall be provided to the youth.

(4) Under no circumstances shall any youth be allowed to supervise or to administer discipline to another youth.

(c) Involuntary seclusion.

(1) Involuntary seclusion shall be permitted within a secure residential treatment facility only when a youth is out of control, continually refuses to obey reasonable and lawful requests, or behaves in a way that presents a threat to self or others.

(2) Each secure residential treatment facility shall establish and implement written policies and procedures that govern the use of involuntary seclusion. The policies and procedures shall include provisions that meet the following conditions and requirements:

(A) Permit the use of involuntary seclusion if all other less restrictive methods to prevent immediate, substantial bodily injury to the youth or others have been attempted and have failed to prevent immediate and substantial bodily injury to the youth or others and if all alternative measures to prevent injury are not sufficient to accomplish this purpose;

(B) require a written order by the program director of the secure residential treatment facility, physician, psychologist, or other approved staff member each time a youth is placed in or released from involuntary seclusion;

(C) ensure that no more than one youth is placed in an involuntary seclusion room at any one time;

(D) provide for a search of each youth and removal of any items that may be used to injure oneself or others before admission to the involuntary seclusion room;

(E) ensure that each youth is provided appropriate clothing at all times;

(F) ensure that each youth in involuntary seclusion is provided with a mattress on a clean, level surface above floor level;

(G) ensure that each youth receives all meals and snacks normally served and is allowed time to exercise and perform necessary bodily functions;

(H) ensure that each youth has prompt access to drinking water and washroom facilities;

(I) ensure that the designated staff member on duty makes appropriate entries in the youth's records regarding the use of involuntary seclusion;

(J) ensure that at least one youth care staff member is in the proximity of each youth in involuntary seclusion at all times, with direct, physical observation at least every 15 minutes. At the time of each observation, all of the following activities shall occur:

(i) Interactive intervention shall be attempted, unless the youth is sleeping;

(ii) the result of the intervention shall be recorded; and

(iii) the condition of the youth shall be recorded;

(K) ensure constant supervision if a youth is considered suicidal; and

(L) provide for an assessment of the need for continued involuntary seclusion at each shift change and for documentation of the reasons that involuntary seclusion is continued.

(3) Electronic or auditory devices shall not be used to replace staff supervision of youth in involuntary seclusion.

(4) A youth shall not remain in involuntary seclusion for more than 24 hours without written approval of the program director or the program director's designee. No staff person who was involved in the incident leading to involuntary seclusion shall be permitted to approve an extension of the involuntary seclusion.

(5) The program director or designee who approved the extended involuntary seclusion shall visit with each isolated youth at least once within each eight-hour period after the first 24 hours.

(6) Written approval of the program director or program director's designee shall be required for each eight-hour period that involuntary seclusion is extended, beyond the first 24 hours.

(7) Involuntary seclusion shall not exceed 48 hours for any reason unless the youth continues to behave in a way that presents a threat to oneself or others.

(8) If a youth requires more than 48 consecutive hours of involuntary seclusion or more than 72 cumulative hours of involuntary seclusion within any seven-day period, or is placed on suicide watch, an emergency staff meeting shall be held to discuss the appropriateness of the youth's individual plan of care.

(A) Participants in the emergency staff meeting shall include the following:

(i) The youth, if behavior permits;

(ii) the program director or the program director's designee;

(iii) a physician, clinical psychologist, or clinical social worker who has assessed the youth; and

(iv) any other appropriate staff member.

(B) The youth's parents or legal guardian shall be notified of the emergency staff meeting and invited to participate. Documentation of notifications shall be kept in the youth's record.

(C) The results of the emergency staff meeting shall be recorded and maintained on file.

(9) All youth care staff and program personnel shall be informed at all times of the current status of each youth in involuntary seclusion.

(d) Restraint.

(1) Each facility shall establish and implement written policies and procedures that govern the use of restraint.

(2) These policies and procedures shall include the following:

(A) Limitations on the use of physical restraint to instances of justifiable self-defense, protection of the youth or others, or the protection of property;

(B) permission to use physical restraint only if all other less restrictive methods of controlling the youth's dangerous behavior were attempted and failed;

(C) a statement that chemical agents are not to be used by secure residential treatment facility personnel;

(D) a statement that psychotropic medications are not to be used for disciplinary reasons; and

(E) a statement that psychotropic medications are to be administered only when medically necessary upon order of the youth's physician.

(3) The restraints selected shall be the least restrictive measure necessary to prevent injury to the youth or others.

(4) Restraint or involuntary seclusion shall never be used for punishment or for the convenience of staff. Restraint or involuntary seclusion shall not be used for more than three consecutive hours without medical reevaluation of its necessity, except between the hours of 12:00 midnight and 8:00 a.m., unless necessary for the safety and well-being of the youth.

(5) Each secure residential treatment facility that uses restraint shall develop and insure implementation of a comprehensive policy on the use of each restraint. The policy shall identify the following:

(A) The forms of restraint in use at the secure residential treatment facility, clearly demonstrating that each specified form of restraint is required to appropriately serve youth;

(B) specific criteria for the use of each form of restraint;

(C) the staff members authorized to approve the use of each form of restraint;

(D) the staff members authorized and qualified to administer or apply each form of restraint;

(E) the approved procedures for application or administration of each form of restraint;

(F) the procedures for monitoring any youth placed in each form of restraint;

(G) any limitations on the use of each form of restraint, including time limitations;

(H) the procedures for immediate, continual review of restraint placements for each form of restraint, except passive physical restraint; and

(I) procedures for comprehensive record keeping concerning all incidents involving the use of restraint, including incidents of passive physical restraint if it is used in conjunction with or leads to the use of any other form of restraint.

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