

BENCO
24 Hour
POLICIES AND PROCEDURES

SUBJECT: BEHAVIOR SUPPORT AND PROTECTIVE PHYSICAL INTERVENTION

OAR: 411-325-0350 (2) (a) (A-B) (b) (c) (A-B) (d) (3) (a) (A-C) (b) (A-K) (4) (1) (a-b)
(2) (3) and 411-323-0060 (4) (6) and 411-304-0150 (2-7) and 411-304-0160 (1-5)

POLICY:

(1) Benco has implemented a written policy to assure professional behavior services are delivered by a qualified behavior professional in accordance with OAR 411-323-0060.

- All behavior supports prohibit abusive practices and assure that behavior supports are included in a Positive Behavior Support Plan.
- Benco will inform each individual, and as applicable their legal or designated representative, of the behavior support policies and procedures at the time of entry and as changes occur.
- A decision to alter an individual's behavior will be made by the individual or their legal or designated representative.

PROCEDURE:

(2) Benco's Professional Behavior Services include the development, training, monitoring and maintenance of:

- A TESP -Temporary Emergency Safety Plan; a document outlining the behavior supports and environment thought by a behavior professional to be necessary to support an individual exhibiting challenging behavior prior to the completion of a Functional Behavior Assessment and Positive Behavior Support Plan.
- An FBA – Functional Behavioral Assessment; a document written by a behavior professional in accordance with OAR 411-304-0150 that describes an individual's challenging behavior and the underlying causes or functions of the challenging behavior.
- A PBSP – Positive Behavior Support Plan; a document written by a behavior professional in accordance with OAR 411-304-0150 that describes behavior supports used to reduce the frequency or intensity of an individual's challenging behavior.
- Maintenance of the PBSP

BENCO
24 Hour
POLICIES AND PROCEDURES

(3) Benco's behavior professional will review all documents pertaining to professional behavior services with the individual and their services coordinator and designated person.

(4) TESP

- **(a)** Benco's behavior professional will deliver a TESP to the individual, their services coordinator, and designated person within 15 days after the service is agreed to be delivered. If the individual and their team determine a different timeline or documents to be delivered to alternative people that will be documented by the individual and Benco's behavior professional.
- **(b)** The TESP will include all of the following:
 - **(A)** An explanation supporting the need for a TESP including, but not limited to, identifying all of the following:
 - **(i)** The challenging behavior.
 - **(ii)** Environments or environmental factors likely to be associated with, or to trigger, the challenging behavior.
 - **(iii)** Conditions that impact an individual's physical functioning.
 - **(iv)** Any known or suspected medical or mental health conditions.
 - **(vi)** The ADLs, IADLs, and health-related tasks where assistance and supports are needed.
 - **(vii)** The presence of an established individually based limitation as required by OAR 411-415-0070.
 - **(B)** An expiration date, not to exceed 90 days, and a timeline for completion of the FBA and PBSP. The date will be extended up to an additional 90 days with approval from the individual and the individual's services coordinator.
 - **(C)** Benco's behavior professional's recommended behavior supports.
 - **(D)** Direction for Benco employees to notify the individuals services coordinator within 24 hours of the occurrence of a challenging

BENCO
24 Hour
POLICIES AND PROCEDURES

behavior resulting in the applications of an emergency crisis strategy or any safeguarding intervention.

(5) FBA. Benco's behavior professional will complete the FBA including, but not limited to, all of the following:

- **(a)** A record of interviews, observations, and a file review of relevant, existing, and available behavior data.
- **(b)** Justification of the need to develop behavior supports.
- **(c)** An individual's preferences for the delivery of behavior supports.
- **(d)** Consideration that the function of a challenging behavior is for one or more of the following reasons:
 - **(A)** An effort to communicate.
 - **(B)** The result of a medical or mental health condition.
 - **(C)** A response to trauma.
 - **(D)** An effort to control the environment.
- **(e)** A description of the context in which a challenging behavior occurs, including the situations where the challenging behavior is most likely and least likely to occur.
- **(f)** An assessment of all of the following:
 - **(A)** An individual's behavior in all environments in which the individual commonly engages, or an explanation as to why an assessment is not available for a specific environment.
 - **(B)** An individual's current ability to accomplish ADL, IADL, and health-related tasks that are relevant to the development of the FBA and PBSP.
 - **(C)** Communication, assistive devices or technology, safeguarding equipment, environmental modifications, and specialized supports, currently in place.
- **(g)** A summary of other behavior intervention or treatment plans, including any mental health or education plans, or a statement that no other behavior intervention or treatment plans exist.

BENCO
24 Hour
POLICIES AND PROCEDURES

- **(h)** A measurable description of each challenging behavior including the duration, frequency, intensity, and severity, or an explanation as to why the data or information is unavailable.
- **(i)** Documentation of an understanding of what the ISP team believes are important challenging behaviors to be addressed.
- **(j)** Factors that will impact the success of the PBSP.
- **(k)** A statement of professional judgment by the behavior professional regarding the underlying cause or the functions of a challenging behavior.
- **(l)** Statement by the behavior professional supporting the need for a PBSP or an explanation as to why a PBSP is not indicated.
- **(m)** Identification of the sources used as references for the FBA.

(6) PBSP.

- **(a)** Benco's behavior professional will develop and write a PBSP based on the FBA. The PBSP will include, at a minimum, all of the following:
 - **(A)** A description of the challenging behavior.
 - **(B)** A description of the baseline behavior.
 - **(C)** The triggers for the challenging behavior.
 - **(D)** Behavior supports meant to reduce duration, frequency, intensity, or severity of the challenging behavior.
 - **(E)** An individual's preferences for the delivery of behavior supports.
 - **(F)** Established individually based limitations.
 - **(G)** Strategies to help a designated person understand, de-escalate, redirect, or reduce an individual's challenging behavior including, but not limited to, all of the following:
 - **(i)** Proactive strategy.
 - **(ii)** Reactive strategy or an explanation when not needed.
 - **(iii)** Emergency crisis strategy or an explanation when not needed.

BENCO
24 Hour
POLICIES AND PROCEDURES

- **(iv)** Recovery strategy or an explanation when not needed.
- **(H)** Evidence the behavior supports address medical, biological, environmental, psychological, social, historical, trauma, and other factors that influence an individual's behavior.
- **(I)** Person-centered planning including, at a minimum, identification of all of the following:
 - **(i)** The supports available to an individual to support a functional alternative behavior.
 - **(ii)** The circumstances that prevent an individual from accomplishing ADLs, IADLs, and health-related tasks.
- **(J)** The behavior data collection system.
- **(K)** Indicators for a review and revision of the PBSP, including who is responsible for the review.
- **(L)** A plan to phase out professional behavior services.
- **(M)** Identification of the sources used as references for the PBSP.
- **(b)** Behavior supports will be consistent with the Oregon Administrative Rules and positive behavior theory and practice. Behavior supports provided by Benco will include a proactive strategy that achieves all of the following:
 - **(A)** Functional alternative behaviors that are safe.
 - **(B)** A decrease in challenging behaviors and need for behavior supports.
 - **(C)** An increase in autonomy and community participation and inclusion.
- **(c)** Safeguarding interventions will be included when necessary and will adhere to OAR 411-304-0160.
 - **(A)** Benco's behavior professional will acknowledge that prior to the use of safeguarding equipment, an individual will have an individually based limitation for restraint in accordance with OAR 411-415-0070.
 - **(B)** The PBSP will only indicate the use of safeguarding equipment to address a challenging behavior.

BENCO
24 Hour
POLICIES AND PROCEDURES

- **(C)** The PBSP will document all of the following:
 - **(i)** The specific challenging behavior for which the safeguarding equipment is to be used.
 - **(ii)** The specific device to be applied.
 - **(iii)** identification of the necessary qualifications or training of Benco employees in applying the safeguarding equipment.
 - **(iv)** Situations for when to employ the use of safeguarding equipment.
 - **(v)** The length of time the safeguarding equipment will be applied in any instance.

- **(e)** Benco's behavior professional will:
 - **(A)** Review the information outlined in a PBSP with the individual and their legal or designated representative and Benco employees.
 - **(B)** Demonstrate the behavior supports written in a PBSP to the individual and their legal or designated representative and Benco employees.
 - **(C)** Provide initial training to Benco employees on the behavior supports identified in the individual's PBSP.
 - **(D)** With consent from an individual or their legal or designated representative, observe the individual's Benco employees implementing the PBSP, or role-playing portions of the PBSP.
 - **(E)** Gather feedback from Benco employees to inform modification to the PBSP prior to finalizing the PBSP.

(7) MAINTENANCE OF THE PBSP. Benco's behavior professional will maintain and update an individual's PBSP as necessary. Maintenance of the PBSP includes, but is not limited to, providing written documentation of all of the following elements:

- **(a)** Developing, training, implementing, and maintaining a behavior data collection system to be utilized by Benco employees.
- **(b)** Gathering, evaluating, and revising behavior data and data tracking on the effectiveness of the behavior supports outlined in an individual's PBSP.

BENCO
24 Hour
POLICIES AND PROCEDURES

- **(c)** Conducting observations, evaluating, and re-evaluating an individual's response to the behavior supports outlined in their PBSP and delivered by Benco employees.
- **(d)** Providing training to Benco employees on any updates made to the PBSP.

Safeguarding Interventions: These are defined as a manual physical restraint that requires an individually based limitation which is consistent with OAR 411-415-0070, and is used as an emergency crisis strategy to protect an individual from harming themselves, harming others, or when their behavior is likely to lead to intervention by law enforcement.

(1) Benco's behavior professional will only include a safeguarding intervention in a PBSP when all of the following conditions are met:

- **(a)** The safeguarding intervention is directed for use only:
 - **(A)** As an emergency crisis strategy.
 - **(B)** For as long as the situation presents imminent danger to the health or safety of the individual or others.
 - **(C)** As a measure of last resort.
- **(b)** Benco's behavior professional will weigh the potential risk of harm to an individual from the safeguarding intervention against the potential risk of harm from the behavior.
- **(c)** The safeguarding intervention is in accordance with OIS which is an ODDS-approved behavior intervention curriculum or has secured written authorization from the OIS steering committee to modify the safeguarding intervention. A copy of the authorization to modify a safeguarding intervention will be attached to the PBSP.
- **(d)** Benco's behavior professional acknowledges that prior to the implementation of any safeguarding intervention, an individual will have an individually based limitation for restraint in accordance with OAR 411-415-0070.

(2) The state of Oregon and Benco do not authorize a safeguarding intervention that includes, but is not limited to, any of the following characteristics:

- **(a)** Abusive;

BENCO
24 Hour
POLICIES AND PROCEDURES

- **(b)** Aversive;
- **(c)** Coercive;
- **(d)** For convenience;
- **(e)** Disciplinary;
- **(f)** Demeaning;
- **(g)** Mechanical;
- **(h)** Prone or supine restraint;
- **(i)** Pain compliance;
- **(j)** Punishment; or
- **(k)** Retaliatory.

(3) When a PBSP is newly developed or revised and includes a safeguarding intervention, the PBSP will include a summary of all of the following:

- **(a)** The nature and severity of imminent danger requiring a safeguarding intervention.
- **(b)** A history of unsafe or challenging behaviors exhibited by the individual.
- **(c)** A description of the training and characteristics required for Benco employees applying the safeguarding intervention.
- **(d)** Less intrusive measures determined to be ineffective or inappropriate for the individual.

(4) Benco's behavior professional and all Benco employees applying safeguarding interventions will be trained on the use of safeguarding interventions by a certified OIS instructor.

411-325-0350 Benco employee use of safeguarding interventions and safeguarding equipment:

- **(a)** Benco employees will only utilize a safeguarding intervention or safeguarding equipment when:

(A) Used to address an individual's challenging behavior, the safeguarding intervention or safeguarding equipment is included in the individual's

BENCO
24 Hour
POLICIES AND PROCEDURES

Positive Behavior Support Plan written by a qualified behavior professional as described in OAR 411-304-0150 and implemented consistent with the individual's Positive Behavior Support Plan.

(B) Used to address an individual's medical condition or medical support need, the safeguarding intervention or safeguarding equipment is included in a medical order written by the individual's licensed health care provider and implemented consistent with the medical order.

- **(b)** The individual, or as applicable their legal representative, must provide consent for the safeguarding intervention or safeguarding equipment through an individually based limitation in accordance with OAR 411-325-0430.

- **(c)** Prior to utilizing a safeguarding intervention or safeguarding equipment, Benco employees will be trained:

(A) For a safeguarding intervention, Benco employees will be trained in intervention techniques using an ODDS-approved behavior intervention curriculum and trained to the individual's specific needs. Benco trains employees in OIS. Training will be conducted by a person who is appropriately certified as an OIS instructor.

(B) For safeguarding equipment, Benco employees will be trained on the use of the identified safeguarding equipment.

- **(d)** Benco employees will not utilize any safeguarding intervention or safeguarding equipment not meeting the standards set forth in this rule even when the use is directed by the individual or their legal or designated representative, regardless of the individual's age.

(3) Emergency Physical Restraints:

- **(a)** The use of an emergency physical restraint when not written into a Positive Behavior Support Plan not authorized in an individual's ISP, and not consented to by the individual in an individually based limitation, will only be used when all of the following conditions are met:

(A) In situations when there is imminent risk of harm to the individual or others or when the individual's behavior has a probability of leading to engagement with the legal or justice system;

(B) Only as a measure of last resort; and

BENCO
24 Hour
POLICIES AND PROCEDURES

(C) Only for as long as the situation presents imminent danger to the health or safety of the individual or others.

- **(b)** The use of an emergency physical restraint will not include any of the following characteristics:

(A) Abusive;

(B) Aversive;

(C) Coercive;

(D) For convenience;

(E) Disciplinary;

(F) Demeaning;

(G) Mechanical;

(H) Prone or supine restraint

(I) Pain compliance;

(J) Punishment; or

(K) Retaliatory.

(4) Incident Reporting (GER):

- Benco employees will complete a GER to ensure proper documentation and the notification of the use of a safeguarding intervention, safeguarding equipment not as prescribed, or an emergency physical restraint, as described in OAR 411-325-0190.

(1) Psychotropic Medications and Medications for Behavior 411-325-0360 (1) a-b (2) and (3)

- **a-b** Medications for behavior will be prescribed by a physician or health care provider through a written order; included on the individual's individual support plan; and monitored by the prescribing physician, individual support team and program for desired responses and adverse consequences.

(2) When medication is first prescribed and annually thereafter, the program will obtain a signed balancing test from the prescribing physician using the balancing test

BENCO
24 Hour
POLICIES AND PROCEDURES

form. The program will present the physician with a full and clear description of the behavior and symptoms to be addressed, as well as any side effects observed.

(3) The program will keep signed copies of these forms in the individual's medical record for seven years.

Approved By: Kristen Gregory
Kristen Gregory, Benco Board President

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