

BENCO
24 Hour
POLICIES AND PROCEDURES

SUBJECT: BEHAVIOR SUPPORT AND PROTECTIVE PHYSICAL INTERVENTION

OAR: 411-325-0350 (1) (2) (3) (4) a-d (4) (5) a-q (6) a-d (7) a-f (1) (a-d) (2) (3) (4) (5) 411-325-0350 (a-d) and 411-325-415-0070 (3) a-b (4) and 411-325-0360 (1) a-b (2) (3) and (1) a-f (2) (3) (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.

Benco will ensure that the use of any emergency physical restraint is reviewed by Benco's Executive Director or Behavior Specialist within two hours of the emergency physical restraint.

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

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supports used to reduce the frequency or intensity of an individual's challenging behavior.

Maintenance of the PBSP

(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 Benco's behavior professional agrees to deliver professional behavior services, unless otherwise agreed to by the individual or the individual's legal or designated representative. 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) A measurable description of the challenging behavior, addressed in the TESP.

(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 substance use or medication interactions that may impact the challenging behavior.

(v) Medical and behavior supports currently being used.

(vi) A summary of the ADL, IADL, and health-related tasks for which the support is needed by the individual from their designated person, including a description of how the ADL, IADL, and health-related tasks may be impacted by the challenging behavior.

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(vii) The presence of any relevant, existing individually based limitation. A TESP may not establish any new individually based limitations.

(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 as required by OAR 411-415-0070.

(C) Benco's behavior professional's recommended behavior supports and adjustments to the environment and guidelines for the designated person.

(D) A strategy for training the designated person. The training must only be completed by either of the following:

(i) The author of the TESP or, when the TESP includes a safeguarding intervention, a behavior professional certified in an ODDS approved behavior intervention curriculum to train the intervention in the TESP.

(ii) A designated person delivering behavior supports identified by the author of the TESP who is certified in an ODDS approved behavior intervention curriculum to train the intervention in the TESP.

(E) Direction for Benco employees to notify the individual's services coordinator within 24 hours of the occurrence of challenging behaviors resulting in the applications of any physical restraint.

(F) If any information required by this subsection is unavailable, the TESP must include documentation explaining why the information is unavailable.

(c) The behavior professional must identify who provided the training and the names of each known designated person who received the training in the individual's service record according to OAR 411-304-0190.

(d) A TESP may only include a safeguarding intervention when:

(A) The individual is entering a new service setting, or a new challenging behavior becomes known; and

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(B) The TESP included documentation requirements for the use of a 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 relevant, existing data. The FBA must document interviews with the individual, and as applicable, family members, designated persons, and others who contributed to the development of the FBA.

(b) A summary of the individual's history, including a history of the individual's challenging behaviors.

(c) Justification of the need to develop behavior supports.

(d) Documentation of the individual's intellectual or developmental disability diagnosis and how the diagnosis impacts the function of the challenging behavior.

(e) An individual's preferences for the delivery of behavior supports.

(f) Consideration that the function of a challenging behavior is for one or more of the following:

(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.

(g) 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.

(h) 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.

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(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 in place at the time of the FBA is developed that are relevant to the development of the FBA and PBSP.

(i) A summary of other behavior intervention or treatment plans, including any mental health or educations plans, or a statement that no other behavior intervention or treatment plans exist.

(j) A measurable description of each challenging behavior including the duration, frequency, intensity, and severity.

(k) Documentation of an understanding of what the ISP team believes are important challenging behaviors to be addressed, factors that will impact the success of the PBSP.

(l) Factors that will impact the success of the PBSP.

(m) A statement of professional judgment by the behavior professional regarding the underlying cause or the functions of a challenging behavior.

(n) Statement by the behavior professional supporting the need for a PBSP or an explanation as to why a PBSP is not indicated.

(o) Identification of the sources used as references for the FBA.

(p) If applicable, a recommendation for obtaining an individually based limitation for strategies such as a safeguarding intervention.

(q) If any information required by this subsection is unavailable, the FBA must include documentation explaining why the information is unavailable.

(6) PBSP.

(a) Benco's behavior professional will develop and write a PBSP based on the FBA. The PBSP will include or reference all of the following:

(A) A measurable description of the challenging behavior.

(B) A narrative description of the baseline behavior.

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- (C)** A description of the functional alternative behavior.
- (D)** The triggers or setting events for the challenging behavior.
- (E)** A description of the common settings for the individual.
- (F)** Behavior supports meant to reduce duration, frequency, intensity, or severity of the challenging behavior.
- (G)** Documentation of an individual's preferences for the delivery of behavior supports.
- (H)** The circumstances that are preventing the individual from accomplishing ADL, IADL and health related tasks and an explanation of what prevents the individual from being able to accomplish the ADL, IADL, or health related task more independently.
- (I)** Any individually based limitations in place at the time the PBSP is developed.
- (J)** 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.
 - (iv)** Recovery strategy or an explanation when not needed.
- (K)** Evidence the behavior supports address medical, biological, environmental, psychological, social, historical, trauma, and other factors that influence an individual's behavior.
- (L)** 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.

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- (M)** The behavior data collection system.
 - (N)** Indicators for a review and revision of the PBSP, including who is responsible for the review.
 - (O)** A plan to phase out professional behavior services. This may include the assignment of ongoing training.
 - (P)** Identification of the sources used as references for the PBSP.
 - (Q)** If any information required by this subsection is unavailable or not applicable, the PBSP must include documentation explaining why the information is unavailable.
- (b)** Behavior support 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 support.
 - (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 challenging behaviors.
 - (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.

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(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.

(d) 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 training or assign training to Benco employees on implementing the PBSP to an individual's designated person. The training may only be completed by:

(i) The author of the PBSP or when a PBSP includes a safeguarding intervention, a behavior professional certified in an ODDS approved behavior intervention curriculum to train the intervention in the PBSP.

(ii) A person delivering behavior support designated by the author of the PBSP who is certified in an ODDS approved behavior intervention curriculum to train the interventions in the PBSP.

(D) Identify who provided the training and the names of each known designated person who received the training in the individual's service record according to OAR 411-304-0190.

(E) 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.

(F) 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:

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- (a)** Updating the FBA.
- (b)** Developing, training, implementing, and updating a behavior data collection system to be utilized by Benco employees.
- (c)** Reviewing data collected from the behavior data in Therap.
- (d)** Observing, evaluating, and re-evaluating an individual's response to the behavior supports outlined in their PBSP and delivered by Benco employees.
- (e)** Training and retraining Benco employees, as applicable, on the individual's updates made to their PBSP.
- (f)** Participating in meetings when the meeting may result in an update 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 Benco's behavior professional 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.

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(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
- (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.

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- (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.
- (5)** Benco's behavior professional will only use safeguarding interventions the behavior professional is certified to use.

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 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 411-415-0070(3).

(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

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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

(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):

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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, emergency physical restraint, the use of a safeguarding intervention or safeguarding equipment resulting in an injury to the individual, or use of an emergency crisis strategy when an individual has a Temporary Emergency Safety Plan, as described in OAR 411-323-0063.

- (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 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.

- (1)** Benco's behavior professional will maintain documentation of all delivered professional behavior services and furnish the documentation to the Department, Oregon Health Authority, or case management entity, upon request. Benco's behavior professional will document all of the following.

- (a) Date of service
- (b) Who provided the service.
- (c) Location of where and method of how the service was provided.
- (d) Length of time required for the service, including start and end times.
- (e) Description of the service delivered.
- (f) People present when the service was delivered.

- (2)** The documents generated by Benco's behavior professional during the delivery of the professional behavior services belong to the individual.

- (4)** Benco's behavior professional will maintain a release of information according to OAR chapter 407 division 014, for each individual receiving professional behavior services from Benco's behavior professional.

- (5)** Benco's behavior professional will maintain their records for professional behavior services to the individual, at which time, the behavior professional must

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provide a copy of any part of the record that was not previously provided to the case management entity. Benco's behavior professional will retain an individual's service record for a period of seven years. Financial records, supporting documents, statistical records, and all other records, other than an individual's service record, will be retained for at least three years after services have ended.

Approved By: Julie Hansen
Julie Hansen, Benco Board President

Date: 1/30/24