

## Checklist for Aversive Behavior Support Plans Appendix B

Provider Name: \_\_\_\_\_ County: \_\_\_\_\_ Date of Review: \_\_\_\_\_

Reviewer Name: \_\_\_\_\_ ODMRDD Contract #: \_\_\_\_\_ Certification Date: \_\_\_\_\_

IO Waiver

Level One Waiver

Both IO and Level One Waiver

Item	Rule Reference 5123:2-1-02(J)	Standard Met? Y/N/P/NA	Comments
<p><b>DID THE PROVIDER <u>WRITE</u> THE AVERSIVE BEHAVIOR SUPPORT PLANS? YES <input type="checkbox"/> NO <input type="checkbox"/></b></p> <p><i>IF THE ANSWER IS "YES", PLEASE ANSWER QUESTIONS 1-6 BELOW IF THE ANSWER IS "NO", SKIP TO QUESTION 7</i></p>			
<b>1.</b>	<p><b>Did the plan author consider medical factors when developing the behavior support plan (BSP)?</b></p> <p>5123:2-1-02(J)(2)(a) Medical factors are considered in the development of behavior support plans.</p>		
<b>2.</b>	<p><b>Is there evidence the individual's behavior support needs were assessed and were the results of the assessment(s) used to develop the BSP?</b></p> <p><b>Note: There is not a prescribed assessment tool. You may need to ask the provider how the person's needs were assessed.</b></p> <p>5123:2-1-02(J)(2)(b) A behavior assessment is completed prior to implementation of any written behavior support plan to help identify the causes for a behavior and to determine the most appropriate teaching and support strategies. The behavior support plan shall be developed to follow the findings of the behavior assessment.</p>		
<b>3.</b>	<p><b>If the BSP includes restraint and/or time-out, are those interventions identified only for behaviors that are destructive to the individual or others?</b></p> <p>5123:2-1-02(J) (2)(d) Restraint and time-out, as defined in paragraph (J) of this rule, are only used with behaviors that are destructive to self or others and only when all other conditions required by paragraph (J) are met.</p>		

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4.	<p><b>Were positive and less aversive techniques determined to be ineffective before using more aversive procedures?</b></p> <p>5123:2-1-02(J)(2)(h) Positive and less aversive teaching and support strategies are demonstrated to be ineffective prior to use of more intrusive procedures.</p>		
5.	<p><b>Does the BSP include the following:</b></p> <ul style="list-style-type: none"> <li>• Case history, including medical info</li> <li>• Results of the behavior assessment</li> <li>• Baseline data</li> <li>• The behaviors to be increased and decreased</li> <li>• Procedures to be used</li> <li>• Persons responsible for implementation</li> <li>• Review guidelines</li> <li>• Signature/date blocks and space for dissenting opinions</li> </ul> <p>5123:2-1-02(J)(2)(m) A behavior support plan includes a case history (including medical information), results of a behavior assessment, baseline data, behaviors to be increased and decreased, procedures to be used, persons responsible for implementation, review guidelines, and signature/date blocks including space for dissenting opinions.</p>		
6.	<p><b>Are training and experience requirements for plan authors identified?</b></p> <p><b>Is there documentation to demonstrate the plan author met the identified training and experience requirements?</b></p> <p>5123:2-1-02(J)(2)(n) Training and experience required for staff who develop behavior support plans and for all persons employed by a provider</p>		

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	who are responsible for implementing plans are specified and required training is documented.		
<p><b>Is the Behavior Support Committee and Human Rights Committee <u>formed by the provider</u>? Yes <input type="checkbox"/> No <input type="checkbox"/></b></p> <p><i>IF THE ANSWER IS "NO", PLEASE FOLLOW UP WITH THE COUNTY BOARD TO ANSWER QUESTIONS 7-8</i>  <i>IF THE ANSWER IS "YES", PLEASE ANSWER QUESTIONS 7-8 WITH THE PROVIDER</i></p>			
<b>7.</b>	<p><b>Is there evidence a behavior support committee reviewed and approved the BSP prior to implementation by the provider?</b></p> <p>5123:2-1-02(J)(2)(j) A behavior support committee reviews and approves or rejects all plans that incorporate aversive methods, including restraint and time-out, and reviews ongoing plans that incorporate aversive methods, including restraint and time-out. The committee shall include persons knowledgeable in behavior support procedures, including administrators and persons employed by a provider who are responsible for implementing behavior support plans, but not those directly involved with the plan being reviewed. The authors of the behavior support plan may attend committee meetings to provide information and to facilitate incorporation of suggested changes.</p>		
<b>8.</b>	<p><b>Is there evidence a human rights committee reviewed and approved the BSP prior to implementation by the provider?</b></p> <p><b>Is the provider's human rights committee minimally composed of the following:</b></p> <ul style="list-style-type: none"> <li>• (1) parent or guardian of individual eligible to receive county board services</li> <li>• (1) staff member of the county board or provider convening the committee</li> </ul>		

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	<ul style="list-style-type: none"> <li>• An individual receiving services from the county board</li> <li>• Qualified persons who have either experience or training in contemporary practices to support behaviors of individuals with developmental disabilities</li> <li>• (1) member with no direct involvement in the county board's programs</li> </ul> <p>5123:2-1-02(J)(2)(k) A human rights committee reviews and prior approves or rejects all behavior support plans using aversive methods, including restraint and time-out, and those which involve potential risks to the individual's rights and protections. The human rights committee shall ensure that the rights of individuals are protected. The committee shall include, at least, one parent of a minor or guardian of an individual eligible to receive services from a county board, at least one staff member of the county board or provider convening the committee, an individual receiving services from a county board, qualified persons who have either experience or training in contemporary practices to support behaviors of individuals with developmental disabilities, and, at least, one member with no direct involvement in the county board's programs. One human rights committee may serve more than one county board or provider.</p>		
<b><i>ANSWER THE FOLLOWING QUESTIONS REGARDING THE <u>IMPLEMENTATION</u> OF AVERSIVE BSPs</i></b>			
<b>9.</b>	<p><b>Did the individual/guardian give written informed consent for the <u>initial implementation</u> of the BSP?</b></p> <p><b>Has this consent been updated <u>annually</u> (consent for the BSP can be included with the consent for the annual ISP <u>if</u> the consent for the BSP is clearly identified and all necessary components of the consent are included)?</b></p>		

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	<p><b>If there were <u>changes</u> to the BSP that resulted in <u>additional aversive procedures</u>, was the informed consent updated?</b></p> <p>5123:2-1-02(J)(2)(o) Prior documented informed consent is obtained from the individual receiving services from the county board program, or guardian if the individual is eighteen years old or older, or from the parent or guardian if the individual is under eighteen years of age. When informed consent cannot be documented in writing at the time it is obtained, such consent shall be documented in writing within three days of implementation. This written informed consent shall be updated at least annually. Any revisions to a behavior support plan requiring behavior support committee approval shall require written informed consent from the individual receiving services from the county board program, or guardian if the individual is eighteen years old or older, or from the parent or guardian if the individual is under eighteen years of age. <b>"Informed consent" means an agreement to allow a proposed action, treatment or service to happen after a full disclosure of the relevant facts. The facts necessary to make the decision include information about the risks and benefits of the action, treatment or service; acceptable alternatives to such action, treatment or service; the consequences of not receiving such action, treatment or service; and the right to refuse such action, treatment or service. The behavior support plan shall be presented in a manner that can be understood by the individual or parent of a minor or guardian.</b></p>		
<b>10.</b>	<p><b>Is there documentation to show that all staff responsible for implementing the BSP have been trained?</b></p> <p>5123:2-1-02(J)(2)(n) Training and experience required for staff who develop behavior support plans and for all persons employed by a provider who are responsible for implementing plans are specified and required training is documented.</p>		

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<b>11.</b>	<p><b>Is the aversive plan reviewed every 30 days?</b> Note: Allow a 5 day grace period before citing</p> <p><b>Are status reports provided to the individual/guardian and provider?</b></p> <p>5123:2-1-02(J)(2)(p) A regular review of all behavior support plans is held, at least, in conjunction with individual plan updates. Plans that incorporate aversive methods, including restraint and time-out, shall be reviewed as determined by the interdisciplinary team but at least every thirty days. Status reports on a plan that incorporates aversive methods, including restraint and time-out, shall be provided to the individual receiving services from the county board program, or guardian if the individual is eighteen years old or older, or the parent or guardian if the individual is under eighteen years of age. Additionally, for individuals who receive services from a provider, status reports shall be provided to the provider.</p> <p><b>NOTE- CHECK THE BSP TO FIND OUT WHO IS RESPONSIBLE FOR THE 30 DAY REVIEWS AND STATUS REPORTS. IF THE PROVIDER IS RESPONSIBLE AND THE RULE REQUIREMENT HASN'T BEEN MET, CITE THE PROVIDER.</b></p> <p><b>IF THE COUNTY BOARD IS IDENTIFIED AS RESPONSIBLE FOR 30 DAY REVIEWS AND STATUS REPORTS FOLLOW UP WITH THE COUNTY BOARD. IF THE COUNTY BOARD HAS NOT MET THE RULE REQUIREMENTS, CONTACT THE REVIEW MANAGER AFTER THE REVIEW SO THAT A CITATION FOR THE COUNTY BOARD CAN BE DRAFTED.</b></p>		

**ANSWER THE QUESTIONS 12-14 IF THE BSP INCLUDES RESTRAINT OR TIME-OUT**

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<p>"Time-out," means confining an individual in a room and preventing the individual from leaving the room by applying physical force or by closing a door or other barrier, including placement in such a room when a staff person remains in the room with the individual.</p> <p>"Restraint" includes chemical, manual, and mechanical methods of restraint. Please note that medications prescribed for a diagnosed psychiatric disorder or for a seizure disorder are <u>not</u> considered a chemical restraint.</p>			
12.	<p><b>If the individual was harmed as a result of restraint or time-out, was the intervention discontinued?</b></p> <p><b>Did the 30 day reviews of the BSP indicate that time-out and/or restraint interventions achieved the results identified in the BSP? If not, was time-out/restraint discontinued?</b></p> <p>5123:2-1-02(J)(3)(a)(ii)(c) Restraint or time-out shall be discontinued if it results in serious harm or injury to the individual or does not achieve the desired results as defined in the behavior support plan.</p>		
13.	<p><b>ANSWER THIS QUESTION ONLY IF A <u>TIME-OUT ROOM IS USED</u>.</b></p> <p><b>Are the safeguards identified in (a)-(f) below being followed by the provider when using a time-out room?</b></p> <p>5123:2-1-02(J)(2)(q) (ix) Time-out in a time-out room exceeding one hour for any one incident and exceeding more than two hours in a twenty-four hour period. Use of a time-out room requires the additional oversight specified in paragraphs (J)(3) and (J)(4) of this rule and the following safeguards:</p> <p>(a) A time-out room shall not be key locked, but the door may be held shut by a staff person or by a mechanism that requires constant physical pressure</p>		

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	<p>from a staff person to keep the mechanism engaged.</p> <p>(b) The room must be adequately lighted and ventilated, and provide a safe environment for the individual.</p> <p>(c) An individual in a time-out room must be protected from hazardous conditions including, but not limited to, presence of sharp corners and objects, uncovered light fixtures, or unprotected electrical outlets.</p> <p>(d) The individual must be under constant visual supervision by staff at all times.</p> <p>(e) A record of time-out activities must be kept.</p> <p>(f) Emergency placement (i.e., without a written plan) of an individual in a time-out room is not allowable.</p>		
<b>GENERAL REQUIREMENTS</b>			
<b>14.</b>	<p><b>Is there evidence that “as needed” programs or emergency interventions are being used to address recurring behaviors instead of a written and approved BSP?</b></p> <p>5123:2-1-02(J)(2)(i) Standing or as needed programs for the control of behavior are prohibited. A "standing or as needed program" refers to the use of a negative consequence or an emergency intervention as the standard response to an individual's behavior without developing a behavior support plan for the individual as required by paragraph (J) of this rule.</p>		

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<b>15.</b>	<p><b>Is there evidence that aversive interventions are being used for retaliation, staff convenience, or in lieu of appropriate services and supports?</b></p> <p>5123:2-1-02(J)(2)(g) Aversive behavior support methods are never used for retaliation, for staff convenience, or as a substitute for an active treatment program (interdisciplinary team developed and approved per individual plans).</p>		
<b>16.</b>	<p><b>If any of the following occurred, was an MUI reported?</b></p> <ul style="list-style-type: none"> <li>• <b>The use of restraint or time-out in an unapproved manner</b></li> <li>• <b>The use of restraint or time-out without informed consent</b></li> <li>• <b>The use of restraint or time-out without human rights and behavior support committee approval and oversight</b></li> <li>• <b>The use of restraint or time-out resulted in an injury that meets the definition of an MUI</b></li> </ul> <p>5123:2-1-02(J)(3)(a)(ii)(d) Any use of restraint or time-out in an unapproved manner or without obtaining required consent, approval, or oversight shall be reported as a major unusual incident pursuant to rule 5123:2-17-02 of the Administrative Code.</p> <p>5123:2-1-02(J)(3)(a)(ii)(e) Any use of restraint or time-out that results in an injury that meets the definition of a major unusual incident or an unusual incident shall be reported as such pursuant to rule 5123:2-17-02 of the Administrative Code.</p>		
<b>17.</b>	<p><b>Is there any evidence of prohibited actions and if so, have the occurrences been reported as MUIs?</b></p>		

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	<p>5123:2-1-02(J)(2)(q) Prohibited actions are reported as major unusual incidents in accordance with rule 5123:2-17-02 of the Administrative Code. Prohibited actions shall include the following:</p> <p>(i) Any physical abuse of an individual such as striking, spitting on, scratching, shoving, paddling, spanking, pinching, corporal punishment or any action to inflict pain.</p> <p>(ii) Any sexual abuse of an individual.</p> <p>(iii) Medically or psychologically contraindicated procedures.</p> <p>(iv) Any psychological/verbal abuse such as threatening, ridiculing, or using abusive or demeaning language.</p> <p>(v) Placing the individual in a room with no light.</p> <p>(vi) Subjecting the individual to damaging or painful sound.</p> <p>(vii) Denial of breakfast, lunch or dinner.</p> <p>(viii) Squirting an individual with any substance as a consequence for a behavior.</p> <p>(ix) Time-out in a time-out room exceeding one hour for any one incident and exceeding more than two hours in a twenty-four hour period.</p> <p>(x) Systematic, planned intervention using manual, mechanical, or chemical restraints, except when necessary to protect health, safety, and property and only when all other conditions required by paragraph (J) of this rule are met.</p> <p>(xi) Medication for behavior control, unless it is prescribed by and under the</p>		

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	supervision of a licensed physician who is involved in the interdisciplinary planning process.		