

BARBARA B. BLUM
Commissioner



[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 82 ADM-45
[Services]

TO: Commissioners of Social Services
Executive Directors

SUBJECT: Restraint Regulations

DATE: July 28, 1982

SUGGESTED DISTRIBUTION: Child Care Workers
Supervisors
Directors of Social Services
School Staff
All Agency Staff Who May Use Restraint

CONTACT PERSON: Any questions concerning this release should be directed to the appropriate Regional Office Director.

John O'Connor - Eastern Regional Office - 1-800-342-3715, extension 31095.

John Gaynor - Western Regional Office - (716) 454-4272.

Fred Cantlo - Metropolitan Regional Office - (212) 488-3484.

Karen Schimke - Buffalo Regional Office - (716) 883-4091.

Any questions concerning this release and requirements for Department notifications should be directed to the appropriate Office Director.

1. PURPOSE

The purpose of this Directive is to set forth requirements regarding the use of restraint on children in care according to Department regulations promulgated on August 3, 1981. A copy of the regulations is attached.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
		441.4 441.17 442.2 447.2(d)(9) 448.3			

DSS-296 (Rev. 5/78)

II. BACKGROUND

The regulations regarding restraint, sections 441.4, 441.17, 442.2, 447.2(d)(9), and 448.3(i) apply to all authorized child care agencies that operate institutions, group residences, agency boarding homes and group homes.

The use of restraint as part of a treatment continuum warrants a policy statement that reflects an agency's child care philosophy and practice.

The regulations were developed to provide consistent standards for agency staff to follow in the use of restraint, reflecting a broader and more comprehensive approach to addressing a significant issue in child care practice.

III. PROGRAM IMPLICATIONS

- A. The regulations define physical, pharmacological, and mechanical restraint, and room isolation, and the conditions under which restraint and room isolation may be used.
- B. The regulations require agencies to develop a written statement of their restraint policies and to receive prior written Department approval of the policy before restraint may be used. Agencies must also provide or arrange training for staff who will use restraint. This training must be six (6) hours initially with a review every six (6) months. The initial training must be completed prior to an agency receiving final approval of its restraint policy. Restraint policy approval must be renewed every two years and changes in an agency's policy must be approved by the Department.
- C. The regulations include restrictions to the use of mechanical restraints, pharmacological restraint, and room isolation.
 1. The use of mechanical restraints is limited to handcuffs and footcuffs. Such restraints may be used only when a child is being transported by vehicle and it is likely that he will injure himself or others. Handcuffs and footcuffs may not be attached to each other, nor may a child be attached to any object in the vehicle. Mechanical restraints must be authorized by a physician or agency director.
 2. Pharmacological restraint is defined in the regulations as the use of a chemical agent to contain acute physical behavior by causing an immediate radical suppression of such behavior. There may be specific instances in which a physician who is familiar with the child and the child's treatment goals, medical history, and diagnosis may find it essential to prescribe pharmacological agents for purposes of controlling behavior. This may be necessary to contain acute physical behavior and prevent physical injury to the child or other children. The use of pharmacological agents for this purpose by standing orders is prohibited.

3. Room isolation refers to the use of a room specifically designed to confine a child in order to control acute physical behavior. Restrictions surrounding the use of room isolation include:

- . Room isolation may only be used in institutions.
- . Authorization to use room isolation may be made only by an agency director or his designee. The designee must be specified in the agency's policy on restraint.
- . A child cannot be required to remain in room isolation beyond a two hour period unless exceptional need exists.
- . A staff member, trained in the use of restraint, must remain inside the isolation room unless the agency receives an exception to this requirement in which case, continuous visual observation of the child must be maintained.
- . The isolation room must be unlocked unless the agency receives an exception. Monitoring procedures have been developed to limit the use of locked rooms.

D. The regulations include reporting requirements on the use of restraint.

E. Department approval of an agency policy on restraint may be revoked in whole or in part if that agency is not using restraint in accordance with its approved policy.

IV. REQUIRED ACTION

A. All child care agencies that operate group care programs and use any form of restraint or room isolation should already have received written approval from the Department of their restraint policy, pursuant to Norris Phillips' letter of October 19, 1981.

B. Agencies planning to make a change in their restraint policies must receive written Department approval of their policy prior to initiating the change. To receive approval, agencies should submit a request to the appropriate regional office of the Department as specified on the first page of this release.

C. The duration of Department approval of an agency's policy will be for two years. Three months prior to the expiration date of an approved policy, a request for renewal should be submitted to the appropriate regional office of the Department. The agency will be notified of continued approval of its restraint policy within 90 days from the date the Department received their request for renewal. Continued approval will be based on the agency's continued compliance with the regulations and a showing by the agency of continued need for the policy.

D. Agencies applying to the Department to operate an institution, group residence, agency boarding home or group home must receive prior written approval for the use of restraint in their programs. All agencies must notify the Department as to whether or not they intend

to use restraint. An agency must also notify the Department of its intention to add any form of restraint or room isolation as part of its program of care. To receive Department approval, the following is required:

1. Agencies planning to use restraint must submit a request for provisional approval to the Department using the attached form.
2. No agency may use restraint without written provisional approval by the Department.
3. The request for provisional approval must include any request for approved exceptions to the room isolation requirements and the agency's plan for training staff in the use of restraint as required by the regulations. The initial training must be completed prior to final approval by the Department. Agencies must insure that all staff using restraint understand the agency's restraint policy as specified in section D.4.

Within 15 days after receipt of the request for provisional approval the Department will notify the agency of its decision to approve or disapprove the request.

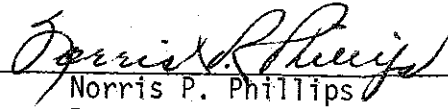
4. Following receipt of provisional approval, the agency should develop its policy on restraint, submit it to the appropriate regional office of the Department and subsequently initiate training. As agency's restraint policy must include:
 - . Preventive methods and procedures for situations which might lead to the use of restraint.
 - . Appropriate alternatives to restraint.
 - . The circumstances when restraint might be necessary.
 - . Methods of applying restraint and the rules which must be observed in applying such restraint.
 - . A description of the training that agency staff will receive.
5. Within 90 days of submission of the agency's request for provisional approval, the Department will notify the agency of its decision to approve or disapprove the agency's policy.

E. The regulations include the following reporting requirements for agencies authorized to use restraint:

1. A summary of each restraint incident must be recorded and kept in the progress notes of the child's uniform case record. This summary must include the circumstances that led to the decision to restrain a child and the child's reaction to its use. A summary of the supervisory conference required when a child is held in room isolation for more than two hours must also be recorded in the child's case record.

2. An agency must maintain daily records of the number of children on whom restraint including room isolation has been used. The daily record should include the name and age of each child, and the type of restraint necessary.
 3. A report of all physical examinations made as a result of an injury sustained prior to or during the use of restraint must be recorded in the child's medical record.
 4. An agency must submit to the Department on a monthly basis a report on the number of children kept in room isolation during the previous month, including their names and the duration of isolation for each child.
- F. As the regulations indicate, the use of room isolation is an exceptional method of restraining a child who is in acute distress.
1. An agency cannot use room isolation unless that agency has prior written approval by the Department authorizing room isolation as part of the agency's approved restraint policy. An agency authorized to use room isolation must comply with all the restrictions on the use of room isolation included in the regulations.
 2. Prior Department approval must be received for an exception to the requirement that isolation rooms remain unlocked. A Department determination to approve an exception to the regulation will be based on:
 - a. Characteristics of the population served by the agency that would require the use of a locked room.
 - b. A site visit by Department staff that will include a review of the isolation room.
 - c. Documentation in the agency's policy manual and case records that a locked isolation room is used as a drastic method of restraining a child in acute distress.
 - d. Documentation that the frequency of use of a locked room is minimal.
 3. Additional reporting requirements for the use of room isolation include daily records of incidents where children are placed in locked isolation rooms or required to remain in room isolation for more than two hours in any 24 hour period or are returned to isolation two or more times during any seven day period. These records must include the name and age of each such child, the reasons for the use of locked rooms or the extended use of isolation, other methods of intervention that have been tried and proved unsuccessful and steps that will be taken to reduce the time a child remains in isolation.

Effective Date: This administrative directive will take effect August 1, 1982.



Norris P. Phillips
Deputy Commissioner
Division of Services

Attachment

REQUEST FOR PROVISIONAL APPROVAL OF THE USE OF RESTRAINT

I. Type of Restraint to be Used:

- Physical
- Mechanical
- Pharmacological
- Room Isolation (Note room isolation may only be used in institutions)
- None

II. If Room Isolation is Checked in Question One, Complete the Following:

A. Specify the position of the person who will authorize its use:

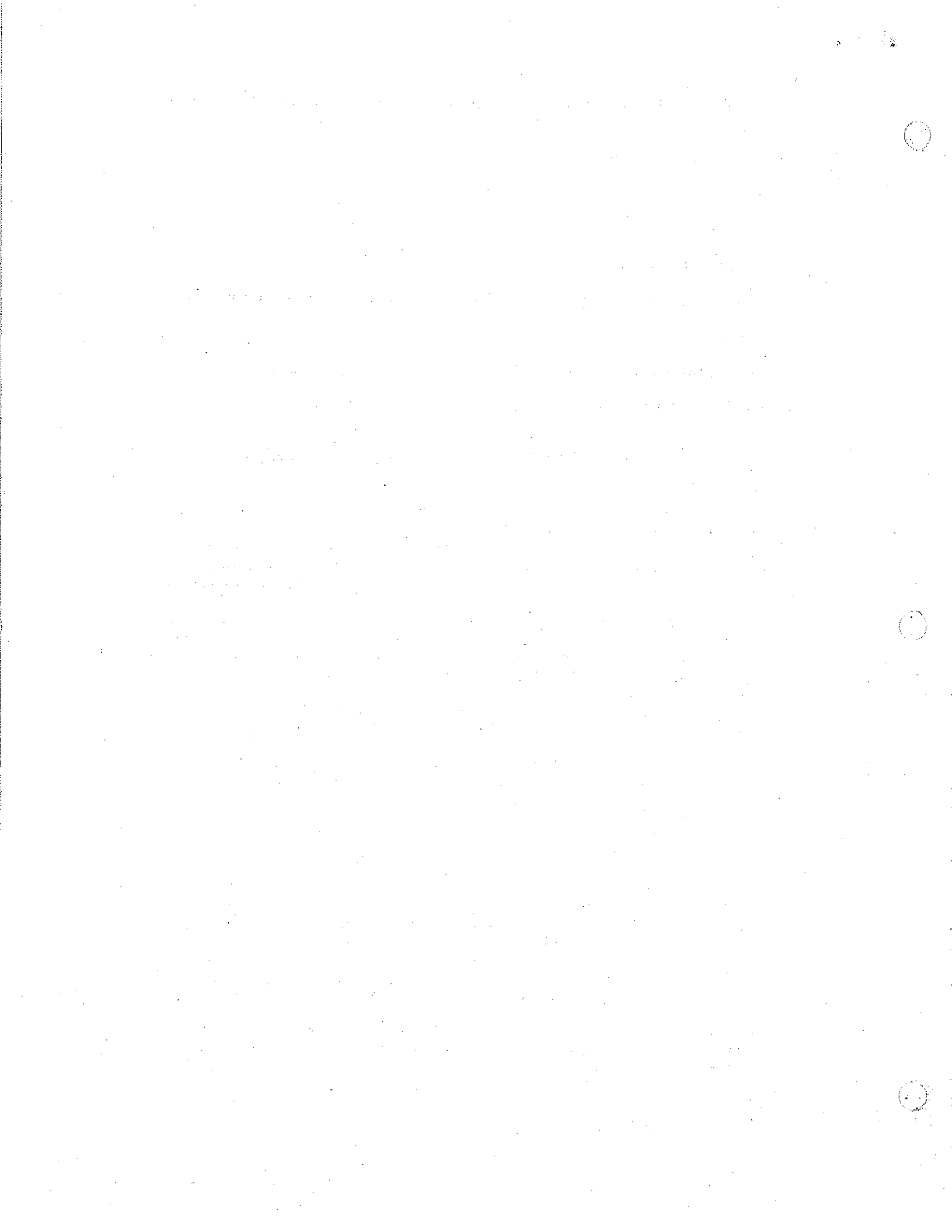
(Note: The authorization must be from the director of the agency or his designee)

B. Is the agency requesting an exception to the requirement that staff remain in the room with the child? yes no.
Please note that final approval of this exception will depend on an approved plan for visitation and continuous visual observation of the child. This plan must be included in the agency's policy manual.

C. Is the agency requesting an exception to the requirement that the room remain unlocked? yes no. Please note that final approval of this exception will depend on a Department determination that a locked room is necessary. This determination will be based on:

- (1) a site visit by Department staff that will include a review of the isolation room(s);
- (2) characteristics of the population being served by the agency that may warrant the use of locked room(s);
- (3) documentation in the agency's policy manual and on a case-by-case basis that locked room(s) are used as a last resort and other forms of intervention are tried and proved unsuccessful prior to use of the locked rooms and that the use of the room is consistent with the agency's treatment philosophy, practice, and staff capacity;
- (4) documentation that the frequency of use of the locked room(s) is minimal.

III. Please describe training agency staff will receive on restraint. Include proposed curriculum, persons who will be conducting the training, and the time table for completion of the training.



Jbl: AUG 3 1981

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f), 460 and 462(1) of the Social Services Law, I, Barbara E. Blum Commissioner of Social Services, do hereby amend as hereinafter indicated Sections 441.4, 441.17, 442.2, 447.2(d)(9), and 448.3(i) of the Official Regulations of the State Department of Social Services being Chapter II of Title 18 NYCRR, effective immediately upon filing with the Secretary of State.

DATED: JUL 30 1981

Signed: *Barbara E. Blum*
COMMISSIONER

This is to certify that this is the original of an order of the State Department of Social Services, made on JUL 30 1981 amending Sections 441.4, 441.17, 442.2, 447.2(d)(9) and 448.3 (i) of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on NOV 19 1980

Dated: JUL 30 1981

Signed: *Barbara E. Blum*
COMMISSIONER

Section 441.4 is hereby amended to read as follows:

441.4 Policy and policy manuals. Each child care agency shall maintain [,keep] a current [,and available, a] manual or manuals which clearly state the policies of such agency with respect to its programs including policies on admission criteria and procedures, psychiatric and medical care, social services, child care, education, religious observance, religious instruction and training, discharge criteria and procedures, discipline [and], restraint, children's rights, [room isolation,] shelter, clothing, diet, work and recreation, plant maintenance, fire, sanitation and safety. A separate manual shall be maintained on personnel policies and practices, including a clear delineation of areas of responsibility and delegations of authority. All policies shall be reviewed periodically and modified, as may be appropriate. Copies of [any policy] all manuals maintained in accordance with this section shall be made available to all staff members whose duties and responsibilities it affects.

A new Section 441.17 is hereby enacted to read as follows:

441.17 Restraint of children in care.

(a) Definitions. As used in this Part:

(1) Restraint means the containment of acute physical behavior by physical, mechanical, or pharmacological intervention, or room isolation except that room isolation shall only be permitted in institutions as specified in this Part and Section 442.2. Restraint as used in this Part does not mean time out, confinement of a child to his own room for treatment or disciplinary reasons, or use of a locked unit.

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- (2) Acute physical behavior means only that behavior which clearly indicates the intent to inflict physical injury upon oneself or others or to destroy property.
 - (3) Physical restraint means the use of staff to hold a child in order to contain acute physical behavior.
 - (4) Mechanical restraints refers to restraining devices used to contain acute physical behavior.
 - (5) Pharmacological restraint means the use of a chemical agent to contain acute physical behavior by causing an immediate radical suppression of such behavior.
 - (6) Room isolation means confinement of a child in a room specifically designed and designated for such use in order to control acute physical behavior of that child.
 - (7) Time out means the removal of a child from a situation that is too threatening or emotionally overwhelming for the child or where the child may lead other children into an uncontrollable state or where the child has exceeded the reasonable limits set by the staff.

- (8) Locked unit means a program approved by the Department that is contained within a closed unit and is designed to serve a special population.
- (9) Discipline means methods for achieving, restoring, and maintaining order and purposefulness through encouragement, guidance, and teaching children to live as socialized beings.
- (b) Restraint shall be used without purposely inflicting pain or harm, and only when other forms of intervention are either inappropriate or have been tried and proved unsuccessful. Restraint shall never be used for punishment.
- (c) An authorized agency shall not use any method of restraint unless it has submitted its restraint policy to the department and such policy has been approved in writing by the department in accordance with subdivision (d) of this section.
- (d) (1) To qualify for approval of its restraint policy by the department, an authorized agency must be in compliance with the provisions of this section and section 442.2 if applicable, and maintain a section of the agency's policy manual which clearly states

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the plan and procedures for the use of restraint. Such a section and the authorized agency's policy on restraint shall include at a minimum the following:

- (i) preventive methods and procedures for situations which might lead to the use of restraint;
- (ii) appropriate alternatives to restraint;
- (iii) the circumstances when restraint might be necessary;
- (iv) methods of applying restraint and the rules which must be observed in applying such restraint;
- (v) a description of the training agency staff will receive as required by Subdivision 441.17(h) .

(2) No changes or modifications in the authorized agency's policy on restraint shall be made without prior written approval of the department. All approved changes shall be recorded in the agency's policy manual. The agency shall conduct its program of restraint in accordance with its approved policy.

(3) The duration of department approval will be for a period of two years. However, department approval may be revoked in whole or in part at any time that an agency is not using restraint in accordance with its approved policy and any other provision of this

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section and section 442.2, if applicable.

- (4) (i) Agencies currently using restraint or planning to use restraint shall submit a request for provisional approval to the department in a form and manner prescribed by the department. No agency shall continue to use restraint 90 days after promulgation of these regulations without written provisional approval by the department. Such request shall include the agency's plan for training staff in the use of restraint as required by subdivision (h) of this section. The initial training as required by subdivision (b) must be completed prior to final approval by the department.

(ii) The Department shall review the agency's policy on restraint and the agency's plans for training. In addition, the Department's architect shall review all rooms used for isolation to determine whether the room(s) meets the requirements of subdivision 422.2(h). Within 90 days of receipt of the request for approval, the Department shall make a determination as to whether the application is acceptable.

(iii) If the department determines that the application is unsatisfactory, the department shall notify the applicant in writing of the denial of approval and the reasons therefore.

(iv) If the department determines that the applicant is in compliance with the standards and regulations as set forth in this section and section 442.2, if applicable, it shall notify the applicant in writing of final approval of the application.

(e) Three months prior to the expiration of the approved restraint policy, authorized agencies shall submit a request for renewal of such policy to the department. The department will review the agency's restraint policy and incident reports and case records of children on whom restraint has been used or who have been placed in room isolation or injured as a result of a restraint incident. The agency will be notified of continued approval of their restraint policy within 90 days from the date the department received their request for renewal. Continued approval will be based upon the agency's continued compliance with this section and section 442.2, if applicable, and a showing by the agency of continued need for such policy.

(f) Mechanical restraints. Permissible mechanical restraints consist solely of handcuffs and footcuffs which may be used only when a child is being transported by vehicle and such child constitutes a clear danger to public safety or to himself. In no case may a child be attached to any object in the vehicle. Handcuffs and footcuffs may not be attached to each other. Mechanical restraints must be authorized by a physician and the director of the

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442.2 Room isolation.

- (a) An institution shall not use room isolation as defined in Section 441.17 unless such isolation has been approved in writing by the department as part of an authorized agency's restraint policy. To qualify for department approval of the use of room isolation, an authorized agency must be in compliance with sections 441.4 and 441.17 and the provisions of this section.
- (b) A child that is seriously depressed or mentally retarded or has a seizure disorder shall never be placed in room isolation.
- (c) Room isolation may be authorized only by a director of an institution or his designee who shall review the need for continuing the isolation hourly. Such person shall be identified in the agency's restraint policy. Absent a showing of necessity, the duration of room isolation shall not be continued beyond two hours.
- (d) Any instance where a child is required to remain in room isolation for more than two hours in any 24 hour period or is returned to isolation two or more times during any seven day period must be approved by the director of the institution. In addition, the staff persons involved must discuss with their supervisors the events leading to the use of the isolation room, the reasons the isolation period was prolonged or used frequently, and the child's reaction

to the use of isolation. A summary of such supervisory conference shall be recorded and kept in the child's case record.

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- (e) Every effort shall be made to return the child to the regular program of care as quickly as possible.
- (f) A staff person(s) trained in the use of restraint as specified by section 441.17(h) shall remain inside the isolation room with the child for the duration of the isolation period unless specified otherwise in the authorized agency's restraint policy. Approval of an exception to this section will be contingent on an approved plan for visitation and visual observation of the child during the isolation period which must provide, at a minimum, for continuous visual observation.
- (g) Each isolated child shall have access to bathroom and toilet facilities. In no instance shall an isolated child be prohibited from receiving regular meals.
- (h) Each room used for isolation shall be heated, lighted, and ventilated as any other room in the facility. The isolation room shall have:
- (i) a door with an observation window made of an unbreakable material that allows a total view of the room;
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- (2) no exposed electrical outlets, and
- (3) no furniture except for a fireproof rubberized mattress. Any room(s) used for isolation shall be inspected by the department architect to determine if the wall construction is sufficient to withstand attacks from a violent child.

(i) The isolation room(s) shall be unlocked. Approval of an exception to this section will be contingent on a department determination that a locked room is necessary. This determination will be based on:

- (1) a site visit by department staff that will include a review of the isolation room(s);
- (2) characteristics of the population being served by the agency that may warrant the use of locked room(s);
- (3) documentation in the agency's policy manual and on a case by case basis that locked room(s) are used as a last resort and other forms of intervention are tried and proved unsuccessful prior to use of the locked rooms and that the use of the room is consistent with the agency's treatment philosophy, practice, and staff capacity;
- (4) documentation that the frequency of use of the locked room(s) is minimal.

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(j) Each authorized agency shall maintain daily records of the number of children who are placed in locked isolation room(s) or are required to remain in room isolation for more than two hours in any 24 hour periods or are returned to isolation two or more times during any seven day period. These records shall include the name and age of each such child, the reasons for the use of the locked room(s) or the extended or frequent use of isolation, other methods of intervention that have been tried and proved unsuccessful and steps that will be taken to reduce the time such child remains in isolation. This information shall be maintained so that it is easily accessible and shall be made available to department staff upon request.

(k) Each institution shall submit to the Commissioner of the State Department of Social Services or his/her designee, by the fifth day of each month, a report on the number of children kept in room isolation during the previous month, their names and the duration of isolation for each such child.

Paragraph (9) of subdivision (d) of section 447.2 is hereby repealed. A new paragraph (9) of subdivision (d) of Section 447.2 is hereby enacted to read as follows:

- (9)(i) Room isolation is prohibited.
- (ii) No child shall be confined to a locked room for any reason.

SCHILICS

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author details the various methods used to collect and analyze the data. This includes both primary and secondary research techniques. The primary research involved direct observation and interviews with key stakeholders, while the secondary research focused on reviewing existing literature and industry reports.

The third section presents the findings of the study. It highlights several key trends and patterns that emerged from the data. These findings are supported by statistical analysis and are presented in a clear and concise manner. The author also discusses the implications of these findings for the industry and provides recommendations for future research.

Finally, the document concludes with a summary of the main points and a statement of the author's conclusions. It reiterates the importance of data accuracy and the value of a thorough and systematic research process. The author expresses confidence in the results and hopes that the findings will be helpful to others in the field.



Subdivision (i) of section 448.3 is hereby repealed,
and a new subdivision (i) is hereby enacted to read as follows:

- (i)(1) Room isolation is prohibited.
- (2) No child shall be confined to a locked room
for any reason.

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