

New Rule, R.2014 d.170, effective November 3, 2014.
See: 46 N.J.R. 1302(a), 46 N.J.R. 2149(b).

SUBCHAPTER 3. APPLICATION AND IMPLEMENTATION

10:42-3.1 Application to use mechanical restraint

(a) Each facility or service provider requesting approval to utilize mechanical restraints shall submit comprehensive written procedures governing the use of restraint to the Behavior Policy Review Committee. Approval or disapproval of an entity's procedures shall be based on the facility, program, or provider's ability to safely and appropriately implement the procedures, as well as provide staff training.

(b) The procedure submitted shall include the following:

1. A statement specifically identifying the forms of mechanical restraint to be used and the number of trained staff that shall be available to apply restraints;
2. Identification of the training curriculum to be followed, with diagrams, photographs, or graphs, and a narrative description providing instructions for the safe application of each mechanical restraint;
3. Identification of the trainers' qualifications;
4. A statement that authorizing personnel meet the requirements of this chapter and have been so designated by the executive director or CEO;
5. A statement that staff who may need to use mechanical restraints have been trained in accordance with this chapter and receive at least an annual assessment of competence and retraining as necessary. The facility or service provider must maintain documentation of such training and assessment;
6. A statement that continual observation by staff and documented checks at 15-minute intervals, consistent with this chapter, shall be required for the use of mechanical restraints;
7. A statement requiring immediate medical attention in response to injury or physical distress that occurs during the use of a mechanical restraint;
8. A process for analyzing and reviewing the use of mechanical restraints for the purpose of reducing reliance upon mechanical restraints;
9. Statements indicating that any application of approved mechanical restraints that results in injury or is at variance with an agency's Division-approved curriculum or procedure shall be reported as an unusual incident. If determined necessary:
 - i. The staff member shall be retrained and shall demonstrate that he or she can safely apply the

mechanical restraint before being allowed to again use that restraint; and

ii. Disciplinary action shall be taken if the actions were abusive or neglectful.

10. Statements indicating that the legal guardian or parent, as applicable, shall be advised by telephone or preferred method of communication within 24 hours of an emergency use of a mechanical restraint not provided for in a behavior support plan; and

11. Provisions for addressing the emotional needs of the individual(s) and staff involved in the use of a mechanical restraint. If an individual's behavior support plan or service plan specifies how their emotional needs shall be addressed, these shall be followed.

Amended by R.2014 d.170, effective November 3, 2014.
See: 46 N.J.R. 1302(a), 46 N.J.R. 2149(b).
Rewrote the section.

10:42-3.2 Staff training requirements

(a) Only training reviewed and approved by the Division's Behavior Policy Review Committee may be used.

(b) Authorizing personnel shall be trained in the use and authorization requirements of this chapter.

(c) All use of mechanical restraints shall be applied and monitored by staff members who have been trained in their use and application, as described in (d) below.

(d) Any entity that is approved to use mechanical restraints shall train staff members in the use of procedures specific to the needs of individuals receiving services. Training shall include, but is not limited to:

1. Requirements of this chapter for mechanical restraints and the provider's Division-approved procedures;
2. Methods to prevent or minimize the behavior that led to staff intervention as described in the definition of "mechanical restraint";
3. De-escalation techniques;
4. Instructions on the implementation of mechanical restraints, including the trainee experiencing being restrained;
5. A demonstration by the trainee of the proper use of the authorized mechanical restraint on an annual basis or as necessary;
6. Recognition of signs of distress;
7. Restraint removal or release as applicable, including the need for continuous reassessment of the ability to lessen or remove the restraint;
8. Documentation required pursuant to this chapter; and
9. Follow-up procedures, as necessary.

New Rule, R.2014 d.170, effective November 3, 2014.
See: 46 N.J.R. 1302(a), 46 N.J.R. 2149(b).

Former N.J.A.C. 10:42-3.2, Implementation standard: developmental centers/private licensed facilities for persons with developmental disabilities, recodified to N.J.A.C. 17:42-3.3.

10:42-3.3 Implementation standard: developmental centers and private licensed facilities for persons with developmental disabilities licensed pursuant to N.J.A.C. 10:47

(a) Following approval by the Behavior Policy Review Committee, for use of mechanical restraints, the following standards shall apply:

1. The IDT shall review the client record to identify potential areas of increased risk in the application of mechanical restraints for the individual due to medical conditions, mental health status, physical functioning, or other personal characteristics. If potential areas of increased risk are identified, the IDT shall obtain an opinion from a physician that the technique to be employed is not medically contraindicated for the individual prior to an initial restraint authorization.

2. In an emergency situation, the authorizing personnel shall be responsible for authorizing the use of a mechanical restraint.

3. As soon as possible, but in less than 24 hours, a physician must review and countersign each "emergency" restraint.

4. An emergency restraint order shall be effective for not more than one hour. If a new order is issued, all authorization shall be renewed.

5. Emergency restraint orders shall include documentation of the type of mechanical restraint authorized, the length of time to be applied, the reason for restraint, and any special instruction. Each restraint order must be signed and dated by the authorizing personnel.

6. Individuals placed in highly restrictive forms of mechanical restraint shall be under continual observation by staff trained to recognize signs of physical distress.

7. While in a mechanical restraint, documentation of a physical check by a staff member every 15 minutes is required. The check shall document the following:

- i. Whether the continued use of the restraint is necessary; and
- ii. Whether the restraint is applied in accordance with principles of good body alignment, a concern for circulation and allowance for change of position.

8. The individual shall be released immediately if he or she appears to be in physical distress or the individual's behavior no longer presents a risk. In the event the

individual cannot be released within 10 minutes, efforts to loosen or change the position of the restraint must be attempted. Documented attempts to release each limb separately for a 10-minute period shall be made.

9. The use of mechanical restraints, such as jumpsuits or open-faced helmets does not require 15-minute checks. The individual does not have to be removed from the restraint for a 10-minute period during each hour since it does not restrict range of motion.

10. The individual's personal hygiene and nutritional needs shall be met while in restraint.

11. If a partially enclosed bed is used as a safeguarding device, documentation of 15-minute checks shall not be required. It is not necessary to remove the individual from a partially enclosed bed for 10 minutes during each hour of use if it is used for sleeping. If a partially enclosed bed is used as a mechanical restraint, 15-minute checks shall be required.

12. The nature, reasons for and notation of each staff check shall be recorded in the client record.

13. Whenever a mechanical restraint is used pursuant to N.J.A.C. 10:42-2.2(a)1, a special meeting of the IDT must be held to review current programming and alternatives. If the recurrence of the behavior that required the use of the restraint may be anticipated, a behavior support plan shall be considered, and if appropriate, developed or modified to address the behavior.

14. An unusual incident report shall be completed, if the use of the restraint is unauthorized, improperly implemented, or causes injury to the individual.

15. When mechanical restraints are used for an individual three times in any contiguous six-month period and are not included in a behavior support plan, the IDT shall forward the results of their review conducted pursuant to N.J.A.C. 10:42-3.4(a)13 to a Division HRC within 15 working days.

16. A Division HRC shall review the pertinent circumstances surrounding the utilization of the emergency mechanical restraints reported by the IDT. The results of the Division HRC review shall be forwarded to the Assistant Commissioner or designee within 10 days.

Amended by R.1996 d.386, effective August 19, 1996.

See: 28 N.J.R. 2314(a), 28 N.J.R. 3959(a).

Recodified from N.J.A.C. 10:42-3.2 and amended by R.2014 d.170, effective November 3, 2014.

See: 46 N.J.R. 1302(a), 46 N.J.R. 2149(b).

Section was "Implementation standard: developmental centers/private licensed facilities for persons with developmental disabilities". Rewrote the section. Former N.J.A.C. 10:42-3.3, Implementation standards: community programs for the developmentally disabled, recodified to N.J.A.C. 10:42-3.4.