

**9525.2730 PROCEDURES AND ACTIONS RESTRICTED OR PROHIBITED.**

Subpart 1. **Restrictions.** An aversive or deprivation procedure must not:

A. be implemented with a child in a manner that constitutes sexual abuse, neglect, or physical abuse as defined in Minnesota Statutes, section 626.556, which governs the reporting of maltreatment of minors;

B. be implemented with an adult in a manner that constitutes abuse or neglect as defined in Minnesota Statutes, section 626.557, which governs the reporting of maltreatment of vulnerable adults;

C. restrict a person's normal access to a nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, or necessary clothing as mandated by Minnesota Statutes, section 245.825, or to any protection required by state licensing standards and federal regulations governing the program; or

D. deny the person ordinary access to legal counsel and next of kin as mandated by Minnesota Statutes, section 245.825.

Subp. 2. **Prohibitions.** The actions or procedures listed in items A to I are prohibited:

A. using corporal punishment such as hitting, pinching, or slapping;

B. speaking to a person in a manner that ridicules, demeans, threatens, or is abusive;

C. requiring a person to assume and maintain a specified physical position or posture as an aversive procedure, for example, requiring a person to stand with the hands over the person's head for long periods of time or to remain in a fixed position;

D. placing a person in seclusion;

E. totally or partially restricting a person's senses, except as expressly permitted in part 9525.2740, subpart 1;

F. presenting intense sounds, lights, or other sensory stimuli as an aversive stimulus;

G. using a noxious smell, taste, substance, or spray, including water mist, as an aversive stimulus;

H. using room time out in emergency situations; and

I. denying or restricting a person's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the person's functioning. When the temporary removal of the equipment or device is necessary to

prevent injury to the person or others or serious damage to the equipment or device, the equipment or device must be returned to the person as soon as possible.

Subp. 3. **Faradic shock.** Emergency use of faradic shock as an aversive stimulus is prohibited. Use of faradic shock as an aversive stimulus is permitted only when all of the following conditions are met:

A. the target behavior is extreme self-injury that threatens irreparable bodily harm;

B. it can be documented that other methods of treatment have been tried and were unsuccessful in controlling the behavior;

C. a state or federal court orders the use of faradic shock;

D. use of faradic shock ordered by a court is implemented in accordance with parts 9525.2750 and 9525.2760; and

E. a plan is in effect to reduce and eliminate the use of faradic shock with the person receiving it.

**Statutory Authority:** *MS s 245.825*

**History:** *11 SR 2408; 18 SR 1141*

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