

9525.2760 REQUIREMENTS FOR INDIVIDUAL PROGRAM PLANS PROPOSING USE OF A CONTROLLED PROCEDURE.

Subpart 1. **Requirements.** An individual program plan that includes the use of a controlled procedure must contain the information specified in subparts 2 to 6.

Subp. 2. **Assessment information.** When an expanded interdisciplinary team is developing an individual program plan that includes the use of a controlled procedure, the case manager must obtain assessment information that includes the elements specified in items A to F:

A. a physical and psychological description of the person;

B. a report completed by the person's primary care physician within 90 days before the initial development of the individual program plan that includes the use of a controlled procedure and indicates that the physician has reviewed whether there are existing medical conditions that:

(1) could result in the demonstration of behavior for which a controlled procedure might be proposed; or

(2) should be considered in the development of a program for the person;

C. a baseline measurement of the behavior to be increased and the target behavior for decrease or elimination that provides a clear description of the behavior and the degree to which it is being expressed, with enough detail to provide a basis for comparing the behaviors to be increased and decreased before and after use of the proposed controlled procedure;

D. a summary of what has been considered or attempted to change elements in the person's environment, including the physical and social environment, that could be influencing the person's behavior, including an analysis of the person's current residence and day program and specifically addressing the question of whether a change in these services appears to be warranted;

E. an analysis of to what extent the behavior identified for reduction or elimination represents an attempt by the person to communicate with others or serves as a means to control the person's environment and recommendations for changes in the person's training program or environment that are designed to enhance communication; and

F. a summary of previous interventions used to modify the target behavior and of the factors believed to have interfered with the effectiveness of those interventions.

The information in items A to F must be retained in the person's permanent record for at least five years after implementing a controlled procedure.

Subp. 3. [Repealed, 18 SR 1141]

Subp. 4. **Review and content standards.** An individual program plan that proposes the use of controlled procedures must include the following elements:

A. objectives designed to develop or enhance the adaptive behavior of the person for whom the plan is made, including the change expected in the target behavior and the anticipated time frame for achieving the change;

B. objectives designed to reduce or eliminate the target behavior of the person for whom the plan is made, including the change expected in the adaptive behavior and the anticipated time frame for achieving the change;

C. strategies to increase aspects of the person's behavior that provide an alternative functional adaptive replacement behavior to the behavior identified for reduction or elimination, including when and under what circumstances the procedure will be used;

D. strategies to decrease aspects of the person's target behavior, including when and under what circumstances the procedure will be used;

E. the projected starting date and completion date for achievement of each objective;

F. a detailed description of the ways in which implementation of the procedure will be monitored, by whom, and how frequently, specifying how staff implementing the procedure will be trained and supervised and ensuring that direct on-site supervision of the procedure's implementation is provided by the professional staff responsible for developing the procedure;

G. a description of any discomforts, risks, or side effects that it is reasonable to expect;

H. a description of the data collection method used to evaluate the effectiveness of the proposed procedures and to monitor expected or unexpected side effects;

I. a description of the plan for maintaining and generalizing the positive changes in the person's behavior that may occur as a result of implementing the procedure;

J. a description of how implementation of the plan will be coordinated with services provided by other agencies or documentation of why the plan will not be implemented by a particular service provider or in a particular setting;

K. a description of how implementation of the plan involves families and friends;
and

L. the date when use of the controlled procedure will terminate unless, before that date, continued use of the procedure is approved by the case manager and the member of

the expanded interdisciplinary team who is a qualified developmental disability professional with at least one year of experience in assessing, planning, implementing, monitoring, and reviewing behavior management programs. The projected termination date must be no more than 90 days after the date on which use of the procedure was approved. Reapproval for using the procedure must be obtained at 90-day intervals, if evaluation data on the target behavior and effectiveness of the procedure support continuation.

Subp. 5. **Monitoring individual program plan.** Monitoring the proposed controlled procedure must be completed as adopted in the individual program plan and in accordance with Minnesota Statutes, section 256B.092, subdivision 1c.

Subp. 6. **Documenting informed consent.** Except in situations governed by part 9525.2730, subpart 3 or 9525.2770, evidence that informed consent has been obtained from a person or individual authorized to give consent must be added to the person's individual program plan before a controlled procedure is implemented.

Statutory Authority: *MS s 245.825*

History: *11 SR 2408; 18 SR 1141; L 2013 c 59 art 3 s 21*

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