

10A NCAC 70G .0512 PHYSICAL RESTRAINT HOLDS, BEHAVIOR MANAGEMENT AND DISCIPLINE

(a) If a foster parent or agency staff member uses a physical restraint hold, the agency staff shall, within 72 hours of an incident involving a physical restraint, review the incident report to ensure that correct steps were followed and forward the report to the parents, guardian or legal custodian and the licensing authority on a report form developed by the licensing authority.

(b) Agencies shall submit a report to the licensing authority by the 10th day of each month indicating the number of physical restraint holds used during the previous month on each child and any injuries that resulted.

(c) Agencies shall maintain reports of physical restraint holds in a manner consistent with the agency's risk management policies (clinical decisions and activities undertaken to identify, evaluate, and reduce the risk of injury to clients, staff, and visitors and reduce the risk of loss to the agency) and shall make the reports available to the licensing authority upon request.

(d) Agencies shall provide foster parents and agency staff authorized to use physical restraint holds with 16 hours of training in behavior management, including techniques for de-escalating problem behavior; the appropriate use of physical restraint holds; monitoring of vital indicators; and debriefing children, foster parents, and agency staff involved in physical restraint holds. , Agencies shall provide foster parents and agency staff authorized to use physical restraint holds with eight hours of behavior management training annually, including techniques for de-escalating problem behavior. Instructors who train foster parents and agency staff shall have met the following qualifications and training requirements:

- (1) demonstrate competence by scoring 100 percent on testing in a training program aimed at preventing, reducing and eliminating the need for restrictive interventions;
- (2) demonstrate competence by scoring 100 percent on testing in a training program teaching the use of physical restraint; and by scoring a passing grade on testing in an instructor training program;
- (3) the training shall be competency-based and shall include measurable learning objectives, measurable testing (written and by observation of behavior) on those objectives, and measurable methods to determine passing or failing the course;
- (4) the content of the instructor training shall be approved by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services;
- (5) trainers shall be retrained annually and demonstrate competence in the use of physical restraints;
- (6) be trained in CPR such as those provided by the American Red Cross, American Heart Association, or equivalent organizations. Division staff shall determine that an organization is substantially equivalent if the organization is already approved by the Department or meets the same standard of care as the American Heart Association or American Red Cross. The Division shall not accept web-based trainings for certification in CPR;
- (7) have been coached in teaching the use of restrictive interventions two times with a positive review by the coach;
- (8) teach a program on the use of physical restraints once annually; and
- (9) complete a refresher instructor training every two years.

(e) Foster parents and agency staff shall only use physical restraint holds approved by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services.

(f) Physical restraints that place a person in a prone or face-down position are prohibited.

(g) The executive director of the agency or his or her designee shall issue approvals to administer physical restraint holds to foster parents and agency staff, pursuant to the rules in this Chapter. A copy of this letter shall be placed in the foster home record of foster parents and the personnel file of agency staff members.

(h) Agencies shall complete an annual review of the discipline and behavior management policies and techniques to verify that the physical restraint holds being used are being applied properly and safely. The review of the policies and techniques shall be documented and submitted to the licensing authority at the time of relicensure as part of the reapplication process.

History Note: Authority G.S. 131D-10.5; 131D-10.5A; 143B-153; Eff. October 1, 2008; Amended Eff. August 1, 2017; November 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.