

4-2018

# Researching Less Restrictive Alternatives to Maine's Regulations Governing Behavior Supports for Adults with Developmental Disabilities

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## Recommended Citation

Hegarty, H. (2018, April). *Researching less restrictive alternatives to Maine's regulations governing behavior supports for adults with developmental disabilities*. Poster presented at the 2018 University of Maine Student Symposium: Research and Creative Activity. Bangor, ME.

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## Disability Rights Maine

- Disability Rights Maine (DRM) is Maine's Protection and Advocacy agency for people with disabilities.
- They represent people whose rights have been violated or who have been discriminated against based on their disability.
- They also provide training on rights and self-advocacy and they advocate for public policy reform. DRM believes that people with disabilities must:
  - be treated with respect and be free from abuse;
  - control the decisions that affect their lives;
  - receive the services and supports necessary to live independently;
  - have the opportunity to work and contribute to society;
  - have equal access to the same opportunities afforded all other members of society; and
  - fully participate in all aspects of society: education, work, and community.



## Maine's Regulations

- **Level I: support for the person to participate meaningfully in his/her community life.**
  - No restrictions of rights
  - Non-coercive intervention with voluntary participation by the person
- **Level II: programs which are designed to modify or redirect a person's behavior**
  - Non-coercive intervention with voluntary participation by the person
  - Some programs which restrict a person's activities or rights for safety reasons
  - Preservation of personal property and safety measures
- **Level III: programs which restrict a Person's Rights as enumerated in 34-B M.R.S. §5605**
  - Planned Restriction of Rights
  - Use of Coercion
  - Examples: Physical Redirection, Property Removal (other than for Imminent Risk), Restriction of food or liquid
- **Level IV: all programs with a restraint component**
  - Planned use of restraint
  - Use of coercion
  - Must not include prohibited practices
  - Examples: physical restraint/interventions, any physical force or threat thereof to cause a Person to move, and physically confining a person
- **Level V: programs considered only in exceptional and rare instances where no less restrictive measure can safely meet the need to keep a Person from danger to self or others**
  - Programs that propose significant restriction or unusual risk to the person
  - The level of risk or restriction must not outweigh the potential harm from the challenging behavior being addressed
  - Examples: some mechanical restraints, supine, or face-up floor restraint, chemical restraint



Information from: Regulations Governing Behavioral Support, Modification and Management for People with Intellectual Disabilities or Autism in Maine

## New Hampshire-Maine Leadership Education in Neurodevelopmental and Related Disabilities (NH-ME LEND) Leadership Project

- This project was done in partnership with the NH-ME LEND Leadership Project and Disability Rights Maine.
- I researched Maine's regulations governing behavioral support, modification and management for adults with intellectual disabilities or autism spectrum disorder, and I researched regulations from other states.
- This project was completed in collaboration between student, mentor and leadership supervisor which determined the states to be researched, and how to organize the regulations (i.e., behavior support plans, the author of such plans, and use of restraints).
- The purpose of my project was to compare regulations from other states with Maine's regulations, with the goal to find a model state that Maine could potentially adopt parts of their regulations to make Maine's regulations more progressive and less restrictive.
- I conducted research to determine whether any other states have eliminated restraints except in emergency situations or reduced the use of intrusive behavior management practices.
- I attempted to determine what other states have done to ensure that positive support practices are implemented with fidelity and that staff receive training needed to implement positive supports.



## Regulations Researched

DRM had research on the following states:

- Connecticut
- Ohio
- Minnesota
- New Mexico
- Pennsylvania
- Vermont
- Washington



States I Researched based on accessibility of regulations:

- Delaware
- **Georgia**
- Massachusetts
- **Missouri**
- New York
- South Carolina
- Washington D.C.

## Next Steps

- I will be sharing this information with DRM who will be using that information in the advocacy for less restrictive behavior management policies in Maine.
- Georgia's and Missouri's regulations are less restrictive alternatives to Maine's regulations, and therefore can act as a model for the state of Maine.

## States Identified as Less Restrictive Alternatives to Maine's Regulations Governing Behavior Supports for Adults with Developmental Disabilities

### Missouri's Regulations

- **Focus on understanding Behavior**
- **Positive Behavior Support**
  - A process for designing individualized behavioral interventions based on understanding the relationship between the person's "behavior" and aspects of the person's environment.
  - Functional (behavioral) assessment (an information gathering process)
  - Comprehensive intervention (proactive / preventative strategies, intensive strategies, crisis intervention)
  - Lifestyle enhancement (person-centered thinking and planning process)
  - Team approach (collaborative team work, supporters promotes the process, etc.)
- **Person-Centered Plan**
  - Intensive Support Strategies
  - Functional Equivalence Training: The person learns an alternative skill that will serve the exact same function as the problem behavior but with increased effectiveness and social acceptance.
  - General Skill Training: The person learns alternative skills that alter the contextual influences for the problem behavior; e.g., learning a form of communication so that needs can be expressed appropriately, assertiveness skills training, problem solving skills, etc.
  - Self-Regulation Training: The person learns coping skills for difficult situations; e.g., anger control, relaxation.
- Physical Restraint ONLY if individual is at imminent risk of harming someone (including themselves)
- **No chemical restraints**
- **No mechanical restraints**
- **No withholding food or liquid**



Information from: Missouri's Positive Support Guidelines

### Georgia's Regulations

- **Focus on Person-Centered Planning:** listening to the person and honoring his/her vision.
- **Focus on understanding behavior**
- **Use positive behavior supports includes:**
  - understanding how and what the individual is communicating;
  - understanding the impact of other's presence, voice, tone, words, actions, and gestures, and modifying these as necessary;
  - supporting staff to change their behavior when it has a detrimental impact;
  - assisting the individual to increase control over life activities and environment; and
  - teaching the person coping, communication and emotional self-regulation skills.
- **Wellness Recovery Action Plan (WRAP Plan)**
  - A structured system for monitoring uncomfortable and distressing symptoms and, through planned responses, reducing, modifying or eliminating those symptoms.
- **A positive behavior support plan (PBSP) is a formal plan to help everyone do the same thing on a consistent basis.**
  - The plan is based on an assessment of the challenging behavior that includes understanding the strengths, preferences and interests of the individual, the goal that is to be achieved.
  - The plan uses only positive interventions to replace the challenging behavior with other behavior judged to be more acceptable
- **Crisis plans are part of the WRAP Plan that is developed by the individual.**
  - The use of personal or manual restraint as an emergency safety intervention of last resort must be incorporated into a crisis plan or a safety plan.
- **No mechanical restraints**
- **No chemical restraints**



Information from: Georgia's Guidelines for Supporting Adults with Challenging Behaviors in Community Settings