



## Restraint Information/Update

- Per Assembly Bill 918: Starting in April, 2016 the Department shall publish quarterly on its Internet Web site the following data, segregated by individual regional center vendor that provides residential services or supported living services and each individual long-term health care facility and acute psychiatric hospital that serves persons with developmental disabilities:
  - (1) The number of incidents of physical restraint.
  - (2) The number of incidents of chemical restraint.
- Definition of restraint per WIC 4436.5.
  - (1) "Physical restraint" means any behavioral or mechanical restraint as defined in Section 1180.1 of the Health and Safety Code.
  - (2) "Chemical restraint" means a drug that is used to control behavior and that is used in a manner not required to treat the patient's medical conditions.
- Definition of restraint per Title 17: "Restraint" means control of the client's behavior or activities through the use of physical or pharmaceutical means other than postural supports. For the purpose of these regulations, restraint is distinguished from the temporary constraint of a client by direct physical contact only, where there is clear evidence for believing the existence of an imminent danger to either the client or others if such constraint is not accomplished.
- All restraints must be reported as a Special Incident to NBRC (H&S Code 1180-1180.6 defines Restraints/Seclusions) per standard protocol; All restraints/seclusions must also be reported to APS/CPS per their regulations; if a planning team-approved BSP includes restraining for the health and safety of the client, this information can be explained in the content of the SIR; this information will be considered when DDS reviews the SIR for compliance.
- For the case of abuse and exploitation of elders and dependent adults the following terms are defined per WIC 15600:
  - a. Physical abuse and exploitation
  - b. Sexual abuse and exploitation
  - c. Fiduciary abuse and exploitation
  - d. Emotional or mental abuse and exploitation
  - e. Physical and chemical restraint.

Regional centers will report episodes 1(a) through 1(e) to the DDS consistent with conditions specified for mandated reporters in WIC Sections 15600

- 'Reasonable suspicion' is defined as in the WIC and Penal Code:

*"Reasonable suspicion" means an objectively reasonable suspicion that a person would entertain, based upon facts that could cause a reasonable person in a like position, drawing when appropriate upon his or her training and experience, to suspect abuse.*