

**9525.2720 EXEMPTED ACTIONS AND PROCEDURES.**

Use of the instructional techniques and intervention procedures listed in items A to H is not subject to the restrictions established by parts 9525.2700 to 9525.2810. The person's individual program plan must address the use of the following exempted actions and procedures:

A. Corrective feedback or prompts to assist a person in performing a task or exhibiting a response.

B. Physical contact to facilitate a person's completion of a task or response and directed at increasing adaptive behavior when the person does not resist or the person's resistance is minimal in intensity and duration, as determined by the expanded interdisciplinary team.

C. Physical contact or a physical prompt to redirect a person's behavior when:

- (1) the behavior does not pose a serious threat to the person or others;
- (2) the physical contact is used to escort or carry a person to safety when the person is in danger;
- (3) the behavior is effectively redirected with less than 60 seconds of physical contact by staff; or
- (4) the physical contact is used to conduct a necessary medical examination or treatment.

This exemption may not be used to circumvent the requirements for controlling the use of manual restraint. It is included to allow caregivers the opportunity to deal effectively and naturally with intermittent and infrequently occurring situations by using physical contact.

D. Positive reinforcement procedures alone or in combination with the procedures described in items A and B to develop new behaviors or increase the frequency of existing behaviors.

E. Temporary interruptions in instruction or ongoing activity in which a person is removed from an activity to a location where the person can observe the ongoing activity and see others receiving positive reinforcement for appropriate behavior. Return of the person to normal activities is contingent upon the person's demonstrating more appropriate behavior. This procedure is often referred to as contingent observation.

F. Temporary withdrawal or withholding of goods, services, or activities to which a person would otherwise have access as a natural consequence of the person's inappropriate use of the goods, services, or activities. Examples of situations in which the exemption would apply are briefly delaying the return of a person's beverage at mealtime after the person has thrown the beverage across the kitchen or temporarily removing an object the

person is using to hit another individual. Temporary withdrawal or withholding is meant to be a brief period lasting no more than several minutes until the person's behavior is redirected and normal activities can be resumed.

G. Token fines or response cost procedures such as removing objects or other rewards received by a person as part of a positive reinforcement program. Token fines or response cost procedures are typically implemented after the occurrence of a behavior identified in the individual program plan for reduction or elimination. Removing the object or other reward must not interfere with a person's access to the goods, services, and activities protected by part 9525.2730.

H. Manual or mechanical restraint to treat a person's medical needs, to protect a person known to be at risk of injury resulting from lack of coordination or frequent loss of consciousness, or to position a person with physical disabilities in a manner specified in the person's individual program plan.

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

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

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