

9544.0060 PROHIBITIONS AND RESTRICTIONS.

Subpart 1. **General prohibitions.** The procedures identified in Minnesota Statutes, section 245D.06, subdivision 5, are prohibited and are governed by the requirements of that section and this chapter.

Subp. 2. **Specific prohibitions.** The actions or procedures listed in items A to Y are prohibited from use as a substitute for adequate staffing, for a behavioral or therapeutic program to reduce or eliminate behavior, as punishment, or for staff convenience:

- A. using prone restraint, metal handcuffs, or leg hobbles;
- B. using faradic shock;
- C. speaking to a person in a manner that ridicules, demeans, threatens, or is abusive;
- D. using physical intimidation or a show of force;
- E. containing, restricting, isolating, secluding, or otherwise removing a person from normal activities when it is medically contraindicated or without monitoring the person;
- F. denying or restricting a person's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the person's functioning. When the temporary removal of the equipment or device is necessary to prevent injury to the person or others or serious damage to the equipment or device, the equipment or device must be returned to the person as soon as imminent risk of injury or serious damage has passed;
- G. using painful techniques, including intentional infliction of pain or injury, intentional infliction of fear of pain or injury, dehumanization, and degradation;
- H. hyperextending or twisting a person's body parts;
- I. tripping or pushing a person;
- J. using punishment of any kind;
- K. requiring a person to assume and maintain a specified physical position or posture;
- L. using forced exercise;
- M. totally or partially restricting a person's senses;
- N. presenting intense sounds, lights, or other sensory stimuli;
- O. using a noxious smell, taste, substance, or spray, including water mist;

P. depriving a person of or restricting access to normal goods and services, or requiring a person to earn normal goods and services;

Q. using token reinforcement programs or level programs that include a response cost or negative punishment component;

R. using a person receiving services to discipline another person receiving services;

S. using an action or procedure which is medically or psychologically contraindicated;

T. using an action or procedure that might restrict or obstruct a person's airway or impair breathing, including techniques whereby individuals use their hands or body to place pressure on a person's head, neck, back, chest, abdomen, or joints;

U. interfering with a person's legal rights, except as allowed by Minnesota Statutes, section 245D.04, subdivision 3, paragraph (c). For purposes of this item, "legal rights" means rights afforded in federal regulation or state licensing standards governing the program;

V. mechanical restraint, in accordance with Minnesota Statutes, section 245D.06, subdivision 5;

W. chemical restraint, in accordance with Minnesota Statutes, section 245D.06, subdivision 5;

X. manual restraint, except in an emergency in accordance with Minnesota Statutes, section 245D.061; and

Y. using any other interventions or procedures that may constitute an aversive or deprivation procedure.

Subp. 3. **Restrictions.** Restrictions on the use of procedures as identified under Minnesota Statutes, section 245D.06, subdivision 6, are governed by the requirements of that section and this chapter.

Statutory Authority: *MS s 245.8251*

History: *40 SR 179*

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