

82101 Definitions

In addition to the definitions in Section 82001 , the following shall apply:

(a)

(Reserved)

(b)

(1) "Behavior Management Consultant" means a person who designs and/or implements behavior modification intervention services and meets one of the following requirements: (A) A Licensed Clinical Social Worker, pursuant to Business and Professions Code sections 4996- 4998.5. (B) A Licensed Marriage and Family Therapist, pursuant to Business and Professions Code sections 4980-4984.7. (C) A psychologist, licensed by the Medical Board of California or Psychology Examining Board. (D) A licensed registered nurse, pursuant to Business and Professions Code section 2700 and subsequent Sections, possessing a master's degree in psychiatric-mental health nursing and listed as a psychiatric-mental health nurse by the Board of Registered Nursing. (E) An advanced practice registered nurse, certified as a clinical nurse specialist, pursuant to Business and Professions Code section 2838 and subsequent sections, and participating in expert clinical practice in the specialty of psychiatric-mental health nursing. (F) A Nurse Practitioner, as defined in the Business and Professions Code section 2834. (G) A professional with training and expertise in human behavior with California licensure, which permits the design of behavior

modification intervention services.

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A Licensed Clinical Social Worker, pursuant to Business and Professions Code sections 4996- 4998.5.

(B)

A Licensed Marriage and Family Therapist, pursuant to Business and Professions Code sections 4980- 4984.7.

(C)

A psychologist, licensed by the Medical Board of California or Psychology Examining Board.

(D)

A licensed registered nurse, pursuant to Business and Professions Code section 2700 and subsequent Sections, possessing a master's degree in psychiatric-mental health nursing and listed as a psychiatric-mental health nurse by the Board of Registered Nursing.

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An advanced practice registered nurse, certified as a clinical nurse specialist, pursuant to Business and Professions Code section 2838 and subsequent sections, and participating in expert clinical practice in the specialty of psychiatric-mental health nursing.

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A Nurse Practitioner, as defined in the Business and Professions Code section 2834.

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A professional with training and expertise in human behavior with California licensure, which permits the design of behavior modification intervention services.

(c)

(1) "Chemical Restraint" means involuntary emergency medication used to control behavior. This includes drugs used for control of inappropriate behavior and used in a manner not required to treat the individual's medical symptoms. (2) "Clinical and Quality Review" means a review that is strictly objective and based on training and the Plan of Operation. (3) "Containment" means a brief physical (manual) restraint of a person for the purpose of effectively gaining quick control of a person who is aggressive or agitated or who is a danger to self or others as defined in Section 1180.1(b) of the Health and Safety Code.

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(d)

(Reserved)

(e)

(1) "Emergency Intervention(s)" means safety measures to prevent imminent danger of serious physical harm to an individual and the methods used to offer immediate, short-term help to clients who experience an event that produces emotional, mental, physical, and behavioral distress or problems that have the potential to result in injury to self or others. (2) "Emergency Intervention Plan" means a written plan, addressing the prevention of injury and implementation of emergency intervention techniques by the licensee, that is included in the program's plan of operation as required by Section 82122(a)(1). (3) "Emergency Intervention Training" means an instructional curriculum provided to program personnel regarding the techniques that may be used to prevent injury to, and maintain safety for, clients who are a danger to themselves or others, and shall emphasize positive behavioral supports and techniques that are alternatives to physical restraint and seclusion in accordance with Health and Safety Code section 1180.3(b)(2).

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(f)-(h)

(Reserved)

(i)

(1) "Imminent Danger," in this subchapter means behavior that is reasonably certain to cause a substantial risk of death or serious physical injury. (2) "Individual Emergency Intervention Plan" means a written plan addressing the prevention of injury and implementation of emergency intervention techniques by the licensee that will be used with a specific client, which are in addition to, and are not prohibited by, the emergency intervention techniques set forth in the program Emergency Intervention Plan. The plan shall be developed in consultation with a Qualified Behavior Modification Professional with input from the client and if available, someone whom the client desires to provide input in accordance with

Health and Safety Code section 1180.4(a). The plan shall include client-centered problem-solving strategies that diffuse and safely resolve emerging crisis situations and strategies to minimize time spent in seclusion or behavioral restraints.

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(j)-(l)

(Reserved)

(m)(1)

"Manual Restraint" means the same as "Physical Restraint" as defined in Health and Safety Code section 1180.1(d), which means the use of a manual hold to restrict freedom of movement of all or part of a client's body, or to restrict normal access to the client's body, and that is used as a behavioral restraint on a client who presents an immediate danger to themselves or to others. Techniques

include, but are not limited to, forced escorts; holding; wall restraint; brief prone restraint; or any staff-to-person physical contact in which the person unwillingly participates.

(m)(2)

"Mechanical Restraint" is defined in Health and Safety Code section 1180.1(c), and means the use of a mechanical device, material, or equipment attached or adjacent to the client's body that they cannot easily remove and that restricts the freedom of movement of all or part of a client's body or restricts normal access to the client's body, and that is used as a behavioral restraint. Mechanical restraint devices include, but are not limited to, soft cloth ties, handcuffs, restraining sheets, restraining chairs, leather cuffs and belts or any other similar method. Mechanical restraint does not include postural supports, as specified in Section 82072(a)(8).

(n)-(p)

(Reserved)

(q)

(1) "Qualified Behavior Modification Professional" means an individual with a minimum two years of experience in designing, supervising, and implementing behavior modification services who is one of the following: (A) An Assistant Behavior Analyst certified by the National Behavior Analyst Certification Board as a Certified Assistant Behavior Analyst; (B) A Behavior Analyst certified by the National Behavior Analyst Certification Board as a Certified Behavior Analyst; (C) A Licensed Clinical Social Worker, pursuant to Sections 4996 through 4998.5 of the Business and Professions Code; (D) A Licensed Marriage and Family Therapist, pursuant to Sections 4980 through 4984.7 of the Business and Professions Code; (E) A psychologist, licensed by the Medical Board of California or Psychology

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A Licensed Clinical Social Worker, pursuant to Sections 4996 through 4998.5 of the Business and Professions Code;

(D)

A Licensed Marriage and Family Therapist, pursuant to Sections 4980 through 4984.7 of the Business and Professions Code;

(E)

A psychologist, licensed by the Medical Board of California or Psychology Examining Board; or

(F)

A licensed professional with California licensure, which permits the design of behavior modification intervention services.

(r)

(Reserved)

(s)

(1) "Seclusion" as defined in Health and Safety Code section 1180.1(e). (2)

"Seclusion Room" means a room specifically designated and designed for the involuntary seclusion of a client for a limited period when a client's behavior presents an imminent danger of serious injury to self or others. No person with a developmental disability may be placed in a seclusion room in accordance with Title 17, Section 50515(a). (3) "Serious Injury" as defined in Health and Safety Code section 1180.1(g).

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(3)

"Serious Injury" as defined in Health and Safety Code section 1180.1(g).

(t)

"Time-Out" means separating the client from the current environment, voluntarily and without force, to calm and allow the client to regain self-control.

(u)-(z)

(Reserved)