

# § 76869. Developmental Program Services -Behavior Management Program.

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(a) Behavior management programs shall be approved by the Department of Developmental Services prior to implementation in accordance with Sections 76856 and 76857(a)(12).

(b) No facility shall modify its approved behavior management program prior to obtaining the written approval of the Department of Developmental Services.

(c) Facilities which use behavior management programs as part of their total service shall have:

(1) A written description of the behavior management program.

(2) A written assessment conducted by the interdisciplinary professional staff/team to identify maladaptive behaviors which require management. This assessment shall address the following areas:

(A) Social and emotional status.

(B) Communication skills.

(C) Physical and mental status.

(D) Cognitive and adaptive skills.

(E) An identification of the maladaptive behaviors.

(F) A baseline data collection system which addresses the maladaptive behaviors.

(G) An analysis of the maladaptive behaviors identified in terms of their antecedents and consequences.

(3) A written behavior management plan available to all facility staff, the client if appropriate, or the client's representative, if lawful. This plan shall include:

(A) Long range goals.

(B) Behavioral objectives that are time-limited, measurable, observable, and complement the long-range goals.

(C) Behavioral objectives which specify:

1. The name of the primary person providing the intervention.
2. The place of intervention.
3. The reinforcement(s) to be used to elicit adaptive behaviors.
4. The type(s) of interventions to be used.

(4) A written document that shall clearly justify, prior to the use of behavioral interventions that:

(A) The procedure to be used is the least restrictive and most effective intervention for the maladaptive behaviors.

(B) The environment where the behavior change is to occur which is designed to avoid stigma and to support and reinforce adaptive behaviors is specified.

(C) A specific choice from different behavior interventions that has been made based on relative effectiveness.

(D) The undesirable long-term and short-term effects which may be associated with the procedures have been identified.

(E) The conditions under which the procedure is contraindicated have been identified.

(F) The social, behavioral and status benefits that can be expected have been specified.

(G) The rights of the developmentally disabled person were and are protected in accordance with Sections 4503 and 4505 of the Welfare and Institutions Code.

(H) All legal and regulatory requirements have been met.

(I) There is a plan to decrease the restrictiveness of the program.

(J) A recommended treatment hierarchy which identifies the maladaptive behavior warranting the most immediate attention has been developed.

(5) A written monthly report of progress that shall include:

(A) The amount of progress attained in achieving each behavioral objective.

(B) A determination as to whether the program should be continued as designed, or amended.

(C) In those instances when it can be demonstrated that behavioral programs utilizing only positive reinforcement do not result in the desired adaptive behavior, mild restrictive interventions may be employed. Such interventions shall be limited to:

(1) Contingent observation.

(2) Extinction.

(3) Withdrawal of social contact.

(4) Fines.

(5) Exclusion time-out, with the client in constant visual observation.

Note: Authority cited: Sections 208.4 and 1267.7, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

22 CCR § 76869, 22 CA ADC § 76869