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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 6@ Adult Residential Facilities

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Subchapter 1@ Emergency Intervention

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Article 1@ General Requirements

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Section 85100@ General Provisions

85100 General Provisions

(a)

In addition to Chapters 1 and 6, the licensee of an Adult Residential Facility is governed by the provisions of this subchapter when a licensee utilizes or reasonably foresees that he or she will utilize a manual restraint or seclusion.

(b)

When a client's behavior presents an imminent danger of serious injury to self or others, the licensee shall use a continuum of interventions starting with the least restrictive intervention. More restrictive interventions may be used only when less restrictive interventions are determined to be ineffective.

(c)

Adult Residential Facility staff may use manual restraint or seclusion with a client only if: (1) The force used does not exceed that which is necessary to avert the injury or danger being threatened; (2) The risk of injury caused by the force applied does not exceed the risk of injury being averted; (3) The manual restraint or seclusion is used when a client's behavior presents an imminent danger of serious injury to self or others; (4) The duration of a manual restraint or seclusion ceases as soon as the risk of imminent danger of serious injury to self or others from the client's behavior has ceased; and (5) The manual restraint or seclusion is not otherwise prohibited by statute or regulation.

(1)

The force used does not exceed that which is necessary to avert the injury or danger being threatened;

(2)

The risk of injury caused by the force applied does not exceed the risk of injury being averted;

(3)

The manual restraint or seclusion is used when a client's behavior presents an imminent danger of serious injury to self or others;

(4)

The duration of a manual restraint or seclusion ceases as soon as the risk of imminent danger of serious injury to self or others from the client's behavior has ceased; and

(5)

The manual restraint or seclusion is not otherwise prohibited by statute or regulation.