

DEFINITIONS

contact was made reconsider if the action was a form of

respondents, or if the primary purpose was to inflict pain.

discipline, punishment, retaliation, or for the convenience of the

"Chemical restraint" means a drug or medication that is administered to a child in care to control behavior or restrict freedom of movement.

"Children's emergency safety intervention specialist" means a qualified mental health professional licensed to order, monitor and evaluate the use of seclusion and restraint in accredited and certified facilities that provide intensive mental health treatment services to individuals under 21 years of age.

"Mechanical restraint" means a device used to restrict the movement of a child in care or the movement or normal function of a portion of the body of a child in care.

"Prone restraint" means a restraint in which a child in care is held face down on the floor.

"Restraint" means the physical restriction of a child in care's actions or movements by holding the child in care or using pressure or other means.

"Secure adolescent inpatient treatment program" [SAIP] means a child-caring agency that is an intensive treatment services program, as described by the Oregon Health Authority by rule, that provides inpatient psychiatric stabilization and treatment services to individuals under 21 years of age who require a secure intensive treatment setting.

"Secure children's inpatient treatment program" [SCIP] means a child-caring agency that is an intensive treatment services program, as described by the authority by rule, that

provides inpatient psychiatric stabilization and treatment services to children under 14 years of age who require a secure intensive treatment setting.

"Serious bodily injury" means any significant impairment of the physical condition of an individual, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

"Supine restraint" means a restraint in which a child in care is held face up on the floor.

Was a Supine restraint used? **SCIP and SAIP ONLY** Supine restraint means a PHASE TWO restraint in which a child-incare is held face up on the floor. Would less restrictive interventions effectively reduce Was the restraint used as: Did the restraint include the Go to Phase 2 box: the risk of imminent serious Assign for investigation as nonincidental use of a solid object "Did the restraint place, or create bodily injury to the child-in-care A form of discipline, punishment or retaliation? -YES Wrongful Restraint in violation of including the ground, a wall or the floor, −NO▶ a risk of placing, pressure on a of others? ORS 418.521(1). to impede a child-in-care's movement? child-in-care's mouth?" For the convenience of the respondent(s)? Note: Does not included seated restraint ssign for Investigation as Wrongful Restraint per Were any prohibited restraints used? Did the child-in-care's behavior pose a ORS 418.523(1) and ORS 418.523(c)(A). – If the Was the restraint straint was not justified reconsider if the action was a ecessary to gain control ├YES⊦ reasonable risk of imminent serious bodily injury ├NO⊳ <mark>rest</mark> Chemical Restraint. to the child in care or others? form of discipline, punishment, retaliation, or for the of a weapon? convenience of the respondents. Mechanical restraint Prone restraint. Assign for Investigation as Was the restraint used only for as long Wrongful Restraint per ORS as the child-in-care's behavior posed a ______ Assign for Investigation as Wrongful Restraint Any restraint that places, or creates a risk of placing, pressure on a per ORS 418.523(5)(a) 418.521(2)(e) easonable risk of imminent serious bodily child-in-care's neck or throat. NO Did the restraint occur at SCIP YES Go to SCIP and Any restraint that impedes, or creates a risk of impeding, a child-inor SAIP? care's breathing. Assign for Investigation as Wrongful Restraint per ORS 418.521. If Did the intervention use the least excessive force or contact was made reconsider if the action was a Any restraint that involves the intentional placement of hands, feet, amount of physical force and ⊢NO▶ elbows, knees or any object on a child-in-care's neck, throat, genitals m of discipline, punishment, retaliation, or for the convenience of Was a Supine restraint used? contact possible? or other intimate parts. the respondents, or if the primary purpose was to inflict pain. YES Assign for Investigation as Wrongful Restraint per ORS 418.521(2)(d) estraint in which a child-in-care Any restraint that causes pressure to be placed or creates a risk of is held face up on the floor. causing pressure to be placed, on a child-in-care's stomach, chest, joints, throat or back by a knee, foot or elbow. Was the restraint authorized by an order written at the Assign for Investigation as Wrongful Restraint per ORS 418.523(4)(c)(B). time of and specifically for the current situation by a Look at the circumstances to determine if the staff involved failed to seek Any other restraint, the primary purpose of which is to inflict pain. licensed medical practitioner or a licensed children's authorization, or if the failure was on the part of the authorizer or the program. Was the Did the restraint include the emergency safety intervention specialist? - including the ground, a wall or the floor, -YES⊦ necessary to -NO⊳ Wrongful Restraint per ORS to impede a child-in-care's movement? 418.521(2)(e) gain control of a Assign for Investigation as Wrongful Restraint Note: Does not included seated restraint per ORS 418.521(2) Was the restraint only used as long as needed to prevent serious physical injury as defined in ORS Assign for Investigation as Wrongful Restraint per ORS 418.523(4)(c)(C). 161.015 and while no other intervention or form of restraint is possible? Did the restraint place, or create -YES---a risk of placing, pressure on a child-in-care's mouth? Assign for Investigation as Wrongful Restraint per ORS A licensed medical practitioner, children's emergency safety intervention specialist or qualified mental health professional, (who is certified in the ook at the circumstances to determine if the staff involved failed to type of restraint used) continuously monitored the use of the restraint ⊢NO▶ Was the pressure necessary t ntact the monitor, or if the failure was on the part of the monitor to and the physical and psychological well-being of the child-in-care at all extract a bite? respond or perform their required duties. If the failure was not on Assign for Investigation as Wrongful Restraint per ORS times while the restrain was used. Did the child-in-care's behavior individual staff, assign the allegation against the program. 18.523(1) and ORS 418.523(c)(A). – If the restraint was not justified reconsider if the action was a form of discipline, YES serious bodily injury to the child in punishment, retaliation, or for the convenience of the care or others? respondents. Assign for Investigation as Wrongful Restraint Was every staff placing the child-inssign for Investigation as Wrongful Restraint per ORS 418.523(4)(c)(E). per ORS 418.521(2)(g) care in the restraint current on their ook at the circumstances to determine if the staff involved was at fault or if certification (as described in ORS -NO the failure was by management/the program for not ensuring staff's training 418.529) in the use of the type of YES was not current. restraint used? Would less restrictive nterventions effectively reduce the risk of imminent serious bodily injury to the child-in-care Assign for Investigation as Wrongful Restraint per ORS 418.523(4)(c)(F). Was one or more staff with Look at the circumstances to determine if the staff involved was at fault or if of others? current cardiopulmonary the failure was by management/the program for not ensuring staff's training Assign for Investigation as Wrongful Restraint per ORS for the duration of the restraint? was up-to-date. 418.523(1) and ORS 418.523(3)(c)(B). If excessive force or Did the intervention use the NO− least amount of physical contact was made reconsider if the action was a form of iscipline, punishment, retaliation, or for the convenience of the force and contact possible? respondents, or if the primary purpose was to inflict pain. Does the program have written policies that require a licensed Assign for Investigation children's emergency safety intervention specialist or other licensed NO─ practitioner to evaluate and document the physical, psychological and ongful Restraint per ORS Is this a DD Foster Home? -YES→ Close at Screening emotional well-being of the child in care immediately following the use 418.523(4)(c)(G). of the restraint? Was the restraint used only for as long as the child-in-care's behavior posed a ______Assign for Investigation as Wrongful Restraint per ORS 418.523(5)(a) easonable risk of imminent serious bodily 418.519 Definitions 418.521Prohibitions on restraint and involuntary seclusion of children in care. Were all the staff placing the child-incare in the restraint certified (as described _NO Assign for Investigation as Wrongful Restraint 418.523 Permissible use of restraint or involuntary seclusion of child in care. in ORS 418.529) in the use of the type of per ORS 418.523(5)(b) Is the program in compliance restraint used? sign for Investigation against the program as Wrongful Restraint per ORS 418.526 Program procedures; record keeping; notices following use of with all other requirements restraint or involuntary seclusion; reports. under ORS 418.519 to 418.523(4)(c)(H). 418.532? 418.528 Quarterly reports; public access to reports; notices. Did the program staff continuously gn for Investigation as Wrongful Restraint monitor the child-in-care for the -NO► per ORS 418.523(5)(c) 418.529 Training standards and certification; instructor qualifications; duration of the restraint? continuing education; rules. 418.532 Notices to children in care Was the restraint performed in a manner that is safe, proportionate and appropriate, taking into consideration ssign for Investigation as Wrongful Restraint NO- the child-in-care's chronological and developmental age, per ORS 418.523(5)(d) size, gender identity, physical, medical and psychiatric condition and personal history, including any history of Did the use of the restraint not otherwise ogram as Wrongful Restraint per ORS ◀NO- requirements or any state or federal law physical or sexual abuse? 418.523(4)(c)(H). related to the use of restraints? Did the restraint last more _NO Close at Screening Did the restraint last more than 10 YES -NO► Close at Screening than 10 minutes? Was the restraint performed in a manner that is safe, proportionate and appropriate, taking into consideration the child-in-care's chronological Assign for Investigation as Did the program provide the child-in-care Did the program provide the child-in-care with Assign for Investigation as Assign for Investigation as Wrongful Restraint Wrongful Restraint per ORS ←NO— and developmental age, size, gender identity, with adequate access to the bathroom and ─NO▶ dequate access to the bathroom and water at least ├NO▶ Wrongful Restraint per ORS per ORS 418.523(6)(a) physical, medical and psychiatric condition and 418.523(5)(d) water at least every 30 minutes? every 30 minutes? 418.523(6)(a) personal history, including any history of physical or sexual abuse? Did a program supervisor who is certified (as described in Did a program supervisor who is certified (as described in ORS418.529) in the type of restraint used provide written ORS418.529) in the type of restraint used provide written authorization for the continuation of the restraint every 5 authorization for the continuation of the restraint every 5 Assign for Investigation as sign for Investigation as Wrongful Restraint minutes after the first 10 minutes of the restraint? -NO▶ Wrongful Restraint per ORS minutes after the first 10 minutes of the restraint? per ORS 418.523(6)(b)(A) Note: If the supervisor is not on-site at the time the Note: If the supervisor is not on-site at the time the restraint is 418.523(6)(b)(A) restraint is used, the supervisor may provide the written used, the supervisor may provide the written authorization authorization electronically. electronically. Did the written authorization document Did the written authorization document why the Assign for Investigation as why the restraint continues to be the least restraint continues to be the least restrictive ign for Investigation as Wrongful Restraint -NO► Wrongful Restraint per ORS Close at Screening →YES- restrictive intervention to reduce the risk -NO> ′ intervention to reduce the risk of imminent per ORS 418.523(6)(b)(C) 418.523(6)(b)(C) of imminent serious bodily injury in the

given circumstances?

serious bodily injury in the given circumstances?