



ADMINISTRATIVE RULES OF MONTANA

37.34.1404 BEHAVIOR SUPPORT: DEFINITIONS

For the purposes of this subchapter, the following definitions apply:

- (1) "Advocate" is defined in ARM 37.34.102.
- (2) "Alternative behavior" means a behavior that can, but is not likely to occur at the same time as a challenging behavior.
- (3) "Challenging behavior" means a behavior that presents a risk or potential risk to the health or safety of the person or to others.
- (4) "Chemical restraint" means any drug that is used for discipline or staff convenience and is not required to treat medical symptoms.
- (5) "Coercion" means the practice of persuading a person to do something by using force or threats.
- (6) "Contingent access" means the restriction of access to activities, places, and items, including personal possessions, as a result of the occurrence of a specified challenging behavior.
- (7) "Corporal punishment" means knowingly and purposefully inflicting physical pain on a person as a disciplinary measure.
- (8) "DDP" means the Developmental Disabilities Program.
- (9) "Educational fine," also known as token or point removal, means a method of decreasing challenging behavior by reducing the quantity of earned tokens or points contingent upon the occurrence of a challenging behavior and the opportunity for the person to "earn back" the token(s) or point(s) by practicing the appropriate behaviors.
- (10) "Exclusion time out" means a method of decreasing a challenging behavior by requiring a person to leave an ongoing reinforcing situation for a period of time, contingent on the occurrence of some previously specified challenging behavior. The person is not instructed to observe the appropriate behavior of others.
- (11) "Graduated guidance" means systematically providing the minimum degree of physical assistance necessary to ensure that a desired behavior occurs. Graduated guidance is a technique combining physical guidance and fading in which the physical guidance is systematically and gradually reduced and faded according to the person's responsiveness. Graduated guidance techniques do not include physical restraint. Graduated guidance is assistive rather than restrictive and does not involve forced compliance.
- (12) "Mechanical restraint" means a physical device used to restrict the person's movement or restrict the normal function of the person's body. The term "mechanical restraint" does not include safety devices or medically related restraints.

- (13) "Medically related restraint" means physical equipment or orthopedic appliances. Medically related restraint includes devices used to support functional body position or proper balance; surgical dressings or bandages; and supportive body bands or other restraints, including manual holds, necessary for the person to receive medical treatment, routine physical examinations, or medical tests. Medically related restraint requires a written order or other authorization from a medical practitioner who is licensed to practice medicine, including physicians, physician assistants, and nurse practitioners.
- (14) "Overcorrection" means a technique used to decrease a challenging behavior, typically taking the form of asking or guiding a person to repeat the correct form of a behavior or activity. The two main types of overcorrection are restitutional overcorrection and positive practice overcorrection.
- (15) "Physical enforcement" means a person is required to perform a behavior by another person using physical contact with them.
- (16) "Physical prompt" means a person physically guides the person to perform a response. Physical prompts are assistive rather than restrictive and do not involve forced compliance.
- (17) "Physical restraint" means the restriction of the person's movement by holding or applying physical pressure to bring the person's behavior under control in order to avoid the risk of serious harm to the person or other person(s). The term "physical restraint" does not include the use of physical prompts, graduated guidance, or medically related restraints.
- (18) "Positive practice overcorrection" means a form of overcorrection in which the person engaging in a challenging behavior is asked or guided to repeatedly practice a specified appropriate form of the behavior.
- (19) "Response cost" means a procedure reducing accumulated reinforcement upon the occurrence of a challenging behavior, thus making the behavior less likely to occur.
- (20) "Restitutional overcorrection" means a form of overcorrection asking or guiding a person engaging in a challenging behavior to restore the environment to its previous state and improve on the previous conditions.
- (21) "Restriction of rights" means procedures which involve withdrawal, delay, or curtailment of rights which the person may ordinarily exercise. Such withdrawal is usually in connection with a program through which the person may exercise such rights by performing specified behaviors.
- (22) "Safety device" means a device used in accordance with a person's plan of care that reduces or inhibits the person's movement with the sole purpose of maintaining the safety of the person. Safety devices include: implements, garments, gates, locks or locking apparatuses, helmets, masks, gloves, straps, bed-rails, or belts.
- (23) "Safety science" means applying scientific methods, research, and tools to understand, assess, and manage safety.
- (24) "Seclusion" means requiring the person to remain alone in a room or any area behind a closed door which prevents them from leaving or being observed for a period of time.
- (25) "Therapeutic care" means care administered by licensed professionals such as speech, occupational, and physical therapies and mental/emotional counseling.
- (26) "Trauma informed care" means an approach to care that recognizes the widespread impact of trauma and promotes environments of healing and recovery. Trauma informed care seeks to

avoid re-traumatization and to understand and respond to signs and symptoms of trauma in individuals, families, and staff.

Authorizing statute(s): 53-6-402, 53-20-204, MCA

Implementing statute(s): 53-6-402, 53-20-203, MCA

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