BERRIEN MENTAL HEALTH AUTHORITY
PROCEDURE

SUBJECT: SECLUSION	SECTION: 01-10-01 Page 1of 3
APPLICATION: All Direct Operated & Contractual Programs EFFECTIVE DATE: 12/16/98 APPROVED BY: _____ Chief Executive Officer REVISED: 10/99, 11/00, 3/02, 11/02, 4/03, 11/04, 05/05, 07/05, 05/07, 03/08, 06/08, 07/13, 5/25	REQUIRED BY: MHC 700,742,752,755; AR 7243; CMS Standards 42 CFR 482; MCL 722.111 to 722.128

POLICY:
A recipient shall not be placed or kept in seclusion under any circumstances in any Berrien Mental Health Authority (BMHA) direct operated or contractual outpatient program; it is not permitted by statute or agency policy.

Seclusion shall be used only in a hospital or center or in a child caring institution licensed under Act No. 116 of the Public Acts of 1973, being sections 722.111 to 722.128 of the Michigan Compiled Laws. A resident or an individual placed in a child caring institution shall be kept in seclusion only in the circumstances and under the conditions set forth in the most stringent CMS and MHC/AR Standards of MCL 330.1742, R330.7243 of the MDHHS Administrative Rules and 42 CFR 482.13. *Please note that CCI's must follow the federal regulations if Medicaid funds are being used to pay for services. If other moneys are used for payment, the MHC/AR applies to the use of seclusion.

PURPOSE:
To ensure that seclusion is applied only in approved settings and in compliance with State and Federal regulations, and to safeguard individuals from any use of seclusion as a means of coercion, discipline, convenience, or retaliation.

STANDARDS:
- LPH/U's and CCI's must have written policies and procedures pertaining to Recipient Rights, which comply with the most stringent of Michigan Mental Health Code, MDHHS Administrative rules, allowable agency set standards and CMS regulations.
- MCL 722.111-722.128 requirements shall be followed by CCI's.
- Specific Training Requirements: MCL 722.112 2c (1) If a child caring institution contracts with and receives payment from a CMHSP or prepaid inpatient health plan for the care, treatment, maintenance, and supervision of a minor child in a child caring institution, the child caring institution may place a minor child in personal

restraint or seclusion only as provided in this section and sections 2d and 2e but shall not use mechanical restraint or chemical restraint.

(2) A child caring institution shall require its staff to have ongoing education, training, and demonstrated knowledge of all of the following:

(a) Techniques to identify minor children's behaviors, events, and environmental factors that may trigger emergency safety situations.

(b) The use of nonphysical intervention skills, such as de-escalation, mediation conflict resolution, active listening, and verbal and observational methods to prevent emergency safety situations.

(c) The safe use of personal restraint or seclusion, including the ability to recognize and respond to signs of physical distress in minor children who are being placed in personal restraint or seclusion.

(3) A child caring institution's staff shall be trained in the use of personal restraint and seclusion, shall be knowledgeable of the risks inherent in the implementation of personal restraint and seclusion, and shall demonstrate competency regarding personal restraint or seclusion before participating in the implementation of personal restraint and seclusion. A child caring institution's staff shall demonstrate their competencies in these areas on a semiannual basis. The state agency licensing child caring institutions shall review and determine the acceptability of the child caring institutions' staff education, training, knowledge and competency requirements required by this subsection and the training and knowledge required of a licensed practitioner in the use of personal restraint and seclusion.

DEFINITIONS:

Child Caring Institution - An institution licensed under Act 116 of the Public Acts of 1973, being sections 722.111 to 722.128 of the Michigan Compiled Laws.

Emergency Safety Intervention – Means use of personal restraint or seclusion as an immediate response to an emergency safety situation.

Emergency Safety Situation – Means the onset of an unanticipated, severely aggressive, or destructive behavior that places the minor child or others at serious threat of violence or injury if no intervention occurs and that calls for an emergency safety intervention.

Licensed Hospital - A psychiatric hospital licensed under section 137 of Public Act 258 of 1975, as amended, being the Michigan Mental Health Code.

Resident – An individual who receives services in a facility, as defined in the Michigan Mental Health Code 330.1100c (14).

Seclusion - Means the temporary placement of a resident in a confined room, alone, where egress is prevented by any means, as defined in the Michigan Mental Health Code 330.1700 (j).

Seclusion – Means the involuntary confinement of a person in a room or an area where the person is physically prevented from leaving, as defined by (42 CFR 482 and (42 CFR 483).

Seclusion (Child Caring Institution) – Means the involuntary placement of a minor child in a room alone, where the minor child is prevented from exiting by any means, including the physical presence of a staff person if the sole purpose of that staff person's presence is to

prevent the minor child from exiting the room. Seclusion does not included the use of a sleeping room during regular sleeping hours to ensure security precautions appropriate to the condition and circumstances of a minor child placed in the child caring institution as a result of an order of the family division of circuit court under section 2(a) and (b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, if the minor child's individual case treatment plan indicates that the security precautions would be in the minor child's best interest.

Therapeutic De-escalation – Means the intervention, the implementation of which is incorporated in the individualized written plan of service, wherein the recipient is placed in an area or room, accompanied by staff who shall therapeutically engage the recipient in behavioral de-escalation techniques and debriefing as to the cause and future prevention of the target behavior. (AR 330.7001 (w)

Time Out – Means a voluntary response to the therapeutic suggestion to a recipient to remove him or herself from a stressful situation in order to prevent a potentially hazardous outcome. AR 330.7001 (x)

PROCEDURE:
MDHHS Office of Recipient Rights (ORR)will review the seclusion policies of contractual providers of inpatient services in Michigan. Follow-up or plan of corrections will be monitored by MDHHS ORR.

As BMHA is not a Child Caring Institution or Licensed Hospital, there are no procedural steps. Each individual contractual Child Caring Institution or Licensed Private Hospital must have procedures that comply with BMHA Policy & Standards, as stated above.

FORMS:
None

Annual Review: Office of Recipient Rights
Date of Last Review: 6/08, 7/09, 6/10, 4/11, 5/12, 7/13, 4/14, 7/15, 4/16, 3/17, 3/18, 3/19, 4/2020, 5/2021, 7/2022, 8/2023, 8/2024, 5/2025