

**DEPARTMENT OF HUMAN SERVICES**  
**Developmental Disabilities Division**

**POLICY ISSUANCE**

**PI-09-23**

**To:** Regional DD Program Administrators;  
Barb Murray, ND Association of Community Facilities;  
Licensed DD Service Providers;  
Teresa Larsen, ND Protection and Advocacy Project;  
Lucille Torpen, ND Department of Health – Health Facilities Division

**From:** Division of Developmental Disabilities

**Date:** December 18, 2009

**Subject:** **Restraints and Seclusion Policy Issuance**

**EFFECTIVE DATE OF POLICY: January 1, 2010**

Effective January 1, 2010 the following restrictive interventions are prohibited for any individual receiving services and supports authorized by the Department of Human Services-Developmental Disabilities Division, which include recipients of Medicaid home and community based waivers for individuals with intellectual disabilities (mental retardation) and developmental disabilities and ICF/MR state plan services.

Use of these restraint techniques may not be included in Person Centered Service Plans and may not be implemented in emergency situations. Staff supporting the individual must not implement these interventions. Licensed providers may not permit the implementation of the following interventions by subcontracted entities or consultants.

Prohibited Interventions:

- A. Prone restraints. A prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while the individual is in a face-down position. Prone restraint includes physical or mechanical restraints.
  
- B. Seclusion. Seclusion is defined as the involuntary confinement of an individual alone in a room or an area from which the individual is physically prevented from having contact with others or leaving.