

# ODDS Guide to Professional Behavior Services

**Developmental Disabilities  
Worker's Guide**

**Office of Developmental  
Disabilities Services**

<b>Topic:</b>	Guide to Professional Behavior Services
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**Description:** This Guide supplements information available in applicable Oregon Administrative Rules (OAR) chapter 411, divisions 304-Professional Behavior Services and 317-Definitions.

**Purpose/Rationale:** To assist Service Coordinators, Personal Agents, and Behavior Professionals in understanding, authorizing, invoicing, approving and/or monitoring Professional Behavior Services.

**Applicability:** Service Coordinators, Personal Agents, and Behavior Professionals.

## **Summary of December 1, 2022 updates:**

- Clarification of documentation and record retention for Re-enrollment, Re-certification, Endorsement.
- Updates on how to use the Behavior Professional Database.
- Updates to Exhibiting a challenging behavior under Chapter 2 Eligibility.
- Clarification on authorizing OR570 and OR310 in a person's ISP.
- Clarification and updates to Chapter 4 POC Codes and Billing; hour limits, approving documents and invoices, collaboration expectations, rates, and exceptions.
- Updates to Functional Alternative Behavior section of Chapter 6 FBA.
- Clarification on restraints in Children's DD Residential, Foster, and Host Homes
- Clarification on ROIs in Chapter 10 Professional Behavior Services Standards of Practice.
- Addition of Chapter 13, Rules, References, and Additional Resources.
- Removal of Acronym and Resources Appendix.

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- Addition of Restraints in Children's Developmental Disabilities Residential, Host Home, and Foster Care Settings Appendix

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# ODDS Guide to Professional Behavior Services

## **Chapter 1 Becoming a Behavior Professional**

Enrolling as a Behavior Professional starts with the decision to be an independent or agency provider of Professional Behavior Services. Both Agency and Independent Providers of Professional Behavior Services are held to the same requirements, have the same qualifications, and the components of Professional Behavior Services are identical.

Agency	Independent Provider
Must adhere to OAR 411-323, OAR 411-370 and complete the Agency Provider Enrollment Application and Agreement (PEAA).	Must adhere to OAR 411-375 and complete the Independent PEAA.
Certified Medicaid Agencies are subject to the requirements of their certification.	Independent Providers are not subject to ODHS Licensure.
Agencies may have employees.	Independent Providers do not have employees.
Agencies are endorsed to and required to follow OAR 411-304.	Are required to follow OAR 411-304.
Agencies have a provider enrollment agreement with ODDS. Agencies are responsible to ensure that all employees or subcontractors adhere to OAR 411-304. All employees or contractors delivering Professional Behavior Services must meet the education and experience requirements as well as the have a background check and be certified in an ODDS-approved behavior intervention curriculum upon hire or promotion. Any existing employee who is performing the work of a Behavior Professional must meet requirements when the agency goes through their certification or endorsement process.	Independent Providers have a provider enrollment agreement with ODDS.

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Agency	Independent Provider
Agencies must carry insurance as outlined in OAR 411-323	Independent Providers are required to carry Commercial Liability Insurance.

## **Qualification Requirements for All Settings**

Both Agency and Independent Providers of Professional Behavior Services follow the requirements of OAR 411-304 and the components of Professional Behavior Services are identical. Any person who is creating a Temporary Emergency Safety Plan (TESP), Functional Behavior Assessment (FBA), Positive Behavior Support Plan (PBSP) or maintaining the PBSP is doing the work of a Behavior Professional.

## **Independent Providers**

In addition to the requirements in OAR 411-304, Independent Providers of Professional Behavior Services must adhere to OAR 411-375 and complete the Independent PEAA.

## **Agency Providers**

In addition to the requirements set forth in OAR 411-304, agency providers delivering Professional Behavior Services must adhere to OAR 411-323, be endorsed to OAR 411-304 and complete the agency PEAA.

## **Supported Living Providers**

Supported Living providers may deliver Professional Behavior Services to individuals within their agency without a separate endorsement to OAR 411-304. It is the responsibility of the agency to assure that Professional Behavior Services are only delivered by a qualified Behavior Professional. If the Supported Living agency chooses to deliver Professional Behavior Services to any person not enrolled in their agency, they must become endorsed to OAR 411-304. When a person residing within the Supported Living setting requires that their PBSP include another setting, such as employment, they may choose to have the Behavior Professional employed by the Supported Living provider update their plan.

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## **Education and Experience Requirements**

Education	Experience
BCBA	1 year of experience providing positive behavior supports.
Master's	1 year of experience providing positive behavior supports.
Bachelor's	2 years of experience providing positive behavior supports.
No Qualifying Degree	6 years of experience delivering Professional Behavior Services gained prior to January 1, 2023.

## **Additional Qualification Requirements**

Every Independent Provider of Professional Behavior Services and all employees of agency providers of Professional Behavior Services working as a Behavior Professional must meet all education and experience requirements, maintain background check, and maintain certification in an ODDS-approved behavior intervention curriculum. Currently Oregon Intervention System (OIS) is the only approved curriculum. Proof of qualifying education is required upon initial endorsement or enrollment for Behavior Professionals.

### **Background Check**

All ODDS providers are subject to background checks.

### **Certification in an ODDS-Approved Behavior Intervention Curriculum**

Every person working as a Behavior Professional must maintain certification in an ODDS-approved behavior intervention curriculum.

## **Co-Authorship and Oversight**

When other agency employees are not qualified as Behavior Professionals, they may collaborate with a qualified Behavior Professional to co-author TESP, FBAs, PBSPs, and provide oversight for the maintenance of a PBSP. Only one Behavior Professional can be authorized or paid through eXPRS. When a Behavior Professional provides oversight and co-authorship, the Behavior Professional is also assuming responsibility that



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the work and product adhere to OAR 411-304, including that it was reviewed and approved by a Behavior Professional.

## **Re-enrollment, Re-Certification, Endorsement**

### **Independent Provider**

It is the responsibility of the Independent Provider to maintain current certification in an ODDS-Approved Behavior Intervention Curriculum, approved criminal history check and a current PEAA. Upon request, an Independent Provider of Professional Behavior Services must submit the following to ODDS:

- Redacted copies of a TESP, FBA and PBSP and corresponding invoices. If the Behavior Professional has not yet written a TESP, this should be noted in the renewal packet.
- Proof of required continuing education in the field of positive behavior support services, adaptive behaviors, behavior management, or a related topic.
- Certification in an ODDS-approved behavior intervention curriculum.
- An approved criminal history check identifying the Independent Provider as a Behavior Professional.

### **Agency Provider**

When an agency provider of Professional Behavior Services first goes through their certification or endorsement process, ODDS will request the following information for each person currently performing the duties of a Behavior Professional including:

- Redacted copies of a TESP, FBA and PBSP and corresponding invoices. If the Behavior Professional has not yet written a TESP, this should be noted in the renewal packet.
- Proof of required continuing education in the field of positive behavior support services, adaptive behaviors, behavior management, or a related topic.
- Certification in an ODDS-approved behavior intervention curriculum.
- An approved criminal history check identifying the agency employee as a Behavior Professional.

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After an agency's is endorsed, the above documentation will need to be retained by the agency for any subsequent Behavior Professionals they hire. It is not necessary for agencies to submit this documentation to ODDS Licensing for every Behavior Professional subsequently hired, but agencies must have it on file to produce upon request. Behavior Professionals do not need to resubmit proof of qualifying education once it has already been submitted and approved.

## **Supported Living Provider**

When a Supported Living provider who delivers Professional Behavior Services goes through their certification or endorsement process, ODDS will request the following information for each employee performing the duties of a Behavior Professional:

- Redacted copies of a TESP, FBA, and PBSP and corresponding invoices. If the Behavior Professional has not yet written a TESP, this should be noted in the renewal packet.
- Proof of required continuing education in the field of positive behavior support services, adaptive behaviors, behavior management, or a related topic.
- Certification in an ODDS-approved behavior intervention curriculum.
- An approved criminal history check identifying the agency employee as a Behavior Professional.

## **Finding a Behavior Professional**

ODDS maintains a public database of Behavior Professionals located here: <http://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/Pages/consultants.aspx>.

To use the database a SC or PA may type key words the search box to filter Behavior Professionals by criteria such as:

- Counties in which the Behavior Professional provides service.
- Languages that the Behavior Professional speaks.
- If the Behavior Professional can authorize physical restraints.
- And other areas of specialty they may have.

Multiple key words may be entered into the search box to further filter Behavior Professionals.

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A SC or PA may also adjust how many Behavior Professionals to display on the page by using the drop down on the “show entries” box.

It is the responsibility of the SC or PA to confirm the availability of the Behavior Professional and that they are able to meet the requirements that a person or their family may have such as providing Professional Behavior Services in the person’s county of residence or fluency in the person’s primary or preferred language.

Please contact the Behavior Professional to check their availability, if they have a wait list or are otherwise able to meet the person’s specific requirements.

For behavior professionals to add themselves or their agency to the database, please email [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us) with the subject line “behavior database”.

Alternatively, CMEs can look in eXPRS to identify independent and agency Behavior Professionals by name or provider type specialty, view their credentials, and contact them to identify availability for new referrals.

## **Chapter 2 Eligibility**

Professional Behavior Services are available for people in all ODDS settings as a K Plan or Family Support service as outlined in OAR 411-305. For individuals receiving Family Support, additional service limitations may apply.

### **Exhibiting a challenging behavior**

For an individual to receive Professional Behavior Services, the individual must exhibit a challenging behavior as outlined in OAR 411-317-0000. The need for Professional Behavior Services might be assessed either through:

- A person’s Functional Needs Assessment.
- A person’s Risk Identification Tool or Risk Report.
- Through discussion with the person and their ISP team.

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## **Chapter 3 The ISP**

### **Known Risks**

#### **Identify and Describe Each Challenging Behavior**

In the Known Risks section of the ISP, the SC or PA must document each known challenging behavior exhibited by the individual that constitutes a “risk”. The more clearly this is documented the more likely it is that the Behavior Professional can create a specific, measurable, achievable, and realistic plan for addressing the challenging behaviors with a functional alternative behavior.

#### **Chosen Services**

In the Chosen Services section of the ISP, the SC or PA uses the drop-down boxes to describe the appropriate service code for the person. In some cases, the SC or PA may have to type in specific information that may not be included in a drop-down list.

For people residing in 24-hour residential settings the “Additional Chosen Services” section of the ISP may be used until the ISP form is updated.

#### **OR 570**

When a TESP, FBA or PBSP are indicated as needed by the person and their ISP team “OR570” must be selected on the ISP form to authorize this service.

The ISP describes this code as “Behavior Consultation, Assessment and Training for DD” which matches the explanation codes in eXPRS. The total number of combined hours authorized for a TESP, FBA or PBSP event may not exceed limits outlined in the Expenditure Guidelines without an exception from ODDS.

**Please note:** Some people may be eligible for a different number of hours based on their Service Group or settings in which they participate. These people may not need an exception if these additional hours will meet the need. All hour limits are outlined in the [Expenditure Guidelines](#).

After selecting this code, the SC or PA must identify the number of units for this service.

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The Unit type for OR570 is “Event(s)” because this service is based on the completion of a document which indicates the completion of that portion of Professional Behavior Services. Each service: the TESP, FBA, and PBSP count as one event that can be indicated on the ISP. The number of units must be based on the individual’s needs and align with the discussion by the ISP team.

The frequency for OR570 is per plan year because an individual may be eligible to receive a TESP, FBA or PBSP once per plan year without an exception granted through ODDS.

The authorized dates should be in accordance with ISP team agreement but cannot exceed the plan year. Services may be authorized again in the following plan year when needed.

The next section of the ISP is the “chosen provider” section. This is where the SC or PA would list the provider chosen by the person, current rates and other related information. Sometimes an individual does not have a provider identified during the ISP and will choose one later. This information should be noted in this section of the ISP.

For “OR570” the SC or PA must indicate in this section the number of hours expected to be needed to complete each event. Additional information about the rates and hours that can be authorized can be found in the Expenditure Guidelines.

In the “List identified needs” section of the ISP, the SC or PA must list the needs identified by the Functional Needs Assessment that the service will address. If the Functional Needs Assessment doesn’t capture the need for Professional Behavior Services but they are authorized by the ISP, this section must provide this information.

Here is an example of what the Chosen K plan services section would look like for OR570:

Service Element: SE49 Comp In-Home for Adults		
Service Code: OR570-Behavior Consultation, Assessment and Training		
Number of Units: 3	Unit Type: Event(s)	Per (Frequency): Plan year
Authorized Dates:	<input checked="" type="checkbox"/> Same as plan effective dates	Start date:      End date:

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Chosen provider type(s) and current rate(s) (PSW, non-PSW independent provider, provider organization, general business, etc.):

Oscar would like to hire Pretty Good Behavior Company at the rate outlined in the expenditure guidelines. The anticipated hours needed for the TESP are 6, FBA 12, and PBSP 12 hours. The total sum of hours for each event cannot exceed 30 hours without prior ODDS exception approval.

List needs identified by the needs assessment that this service will address:

The sum of the three units of Professional Behavior Services (TESP, FBA, PBSP) may not exceed limits in the expenditure guidelines.

A TESP is not required for all people receiving Professional Behavior Services. If a TESP is needed, the SC or PA must indicate the reason for the TESP and the number of hours authorized for its completion.

An FBA is required for every person receiving Professional Behavior Services. The SC or PA must indicate the challenging behaviors requiring the FBA and identify the number of hours authorized for its completion.

The FBA will identify if a PBSP is needed.

### **OR 310**

After OR570 is completed, if the Behavior Professional indicates maintenance services are needed, "OR 310" should be selected in the ISP to authorize the maintenance of a PBSP and FBA. The ISP describes this code as Behavior Support Services. This is antiquated language that needs to remain in the ISP to match the explanation for the codes in eXPRS.

The number of units for OR 310 should equal the number of hours authorized in the ISP to maintain the PBSP and FBA during the plan year. The hours authorized in the ISP may not exceed the limits described in expenditure guidelines without an approved exception.

**Please note:** Some people may be eligible for a different number of hours based on their service group or settings in which they participate. These people may not need an exception if these additional hours will meet the need. These hours are outlined in the Expenditure Guidelines.

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A Behavior Professional will indicate in the PBSP if there is a need for maintaining the plan.

Below is an example of what the “Chosen K plan Service” section of the ISP would look like for OR310:

Service Element: SE49 Comp In-Home for Adults		
Service Code: OR310-Behavior Support Services - ST, Standard Rate		
Number of Units: 18	Unit Type: Hour(s)	Per (Frequency): Plan year
Authorized Dates:	<input checked="" type="checkbox"/> Same as plan effective dates	Start date:      End date:
Chosen provider type(s) and current rate(s) (PSW, non-PSW independent provider, provider organization, general business, etc.):		
Oscar would like to hire Pretty Good Behavior Company at the rate outlined in the expenditure guidelines to maintain his PBSP. The total amount of service cannot exceed 18 hours without prior ODDS exception approval.		
List needs identified by the needs assessment that this service will address:		

## Quick reference guide:

Billing Code	Professional Behavior Service Event
OR 570	TESP (TESP), when needed
OR 570	FBA (FBA)
OR 570	PBSP (PBSP), when indicated by the FBA
OR 310	Maintenance of the PBSP, when indicated in the PBSP.

## Chapter 4 Plan of Care Codes and Billing

**Please note:** Some people may be eligible for a different number of hours based on their service group or settings in which they participate. This is outlined in the [Expenditure Guidelines](#).



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eXPRS labels code OR 570 as *Behavior Consultation, Assessment and Training for DD*. Code OR 570 indicates Professional Behavior Services – TESP, FBA, PBSP.

eXPRS labels code OR 310 as *Behavior Support services*. Code OR 310 indicates maintenance of the PBSP.

## **Plan Line for Professional Behavior Services**

The SC or PA must open a plan line in POC and identify the number of events known to be needed. (A SuperUser can go back into eXPRS and edit this later).

The SC or PA must create a Service Prior Authorization (SPA) for each event and:

- Identify the Behavior Professional
- Identify the date range
- Identify the not-to-exceed dollar amount anticipated for the completion of that event

The SC or PA can enter the TESP, FBA and PBSP in draft until ready to approve/submit.

If the timelines in which each OR570 event will be completed are known, these may all be added to POC at the same time and submitted. If the dates for future events are not known, they may be added as draft and updated as each event is completed.

**NOTE for CMEs: It is critical for the CME to update and submit SPAs quickly after each event is completed so the next event may begin and there is no delay in completion of these services.**

When the SC or PA authorizes Professional Behavior Services in an individual's Support Plan (ISP) they will also open a Plan Line in eXPRS using the correct modifier (ST or RU) to identify the distance between the Behavior Professional and the person receiving services. Additional information can be found in the Expenditure Guidelines.



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## **Provider Panel**

When authorizing a Behavior Professional to deliver Professional Behavior Services, the Case Management Entity (CME) must add the Behavior Professional to their Provider Panel in eXPRS.

## **Approving a TESP, FBA, and PBSP**

It is important to ensure Professional Behavior Services invoices are reviewed and approved timely.

It is the responsibility of the SC or PA to read the TESP, FBA, or PBSP assuring the document(s) meet the minimum requirements outlined in OAR 411-304. The SC or PA shall not release a pending payment in eXPRS until the document associated with the payment meets rule requirements.

If the document does not meet rule requirements, the SC or PA must notify the Behavior Professional of the requirements not met and work with them to so the document may be updated and resubmitted for review. The SC or PA should review the Service Agreement or ISP assuring that the requirements for the delivery of Professional Behavior Services were not met. The SC or PA is expected to collaborate with the Behavior Professional in this process to resolve issues in a timely manner. If the SC or PA finds that collaboration with the Behavior Professional does not yield a document that meets the requirements outlined in OAR 411-304, they may contact ODDS for assistance by emailing [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us).

A Behavior Professional who delivers a TESP, FBA or PBSP that does not meet the minimum requirements outlined in OAR 411-304 cannot receive compensation until these documents meet the minimum requirements. If a Behavior Professional believes their document does meet the agreed upon requirements and rule criteria and is unable to come to a resolution with the SC or PA in releasing a pending payment, they may file a complaint with the CME.

## **Incomplete Events**

If a Behavior Professional is not able to complete a TESP, FBA or PBSP the Behavior Professional should submit to the SC or PA an invoice outlining the services that have been provided along with a letter of explanation as to why the event could not be completed. The Behavior

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Professional must provide documentation that reflects the work of the Behavior Professional was able to complete, proportionate to the hours/units being claimed. The SC or PA will request an exception to pay for the incomplete event.

## **Collaboration between the SC or PA and the Behavior Professional**

It is important to remember that the role of an SC or PA and the role of a Behavior Professional are different and meet different needs of the person they mutually support. It is essential that the SC or PA and the Behavior Professional create a collaborative environment by communicating expectations and timelines with each other, the person, and others on the ISP team at the beginning of the Professional Behavior Services process. By outlining expectations and identifying possible barriers in the process early on they can work to working together to move through each step in the process efficiently to best serve the person they mutually support.

Upon completion of each OR570 event, the Behavior Professional must deliver the finished product (TESP, FBA or PBSP) along with the corresponding invoice to the SC or PA. The SC or PA must review and approve the resulting product from each event before payment for that event can be made. It is important for the SC or PA and the Behavior Professional to communicate through this time so edits to the product and payments can be made timely.

## **Supported Living Settings**

Individuals who choose to reside in a Supported Living setting may receive their Professional Behavior Services as part of the service package delivered by the Supported Living Agency. If an individual chooses their Supported Living Provider to provide Professional Behavior Services, no additional service needs to be authorized in eXPRS and no additional invoicing needs to be done. An individual may instead choose to have a Behavior Professional not employed by their Supported Living agency. If this is the case, they may choose from amongst any qualified and enrolled provider.

## **Approving an Invoice**

A Behavior Professional may only invoice for billable activities. Billable activities include, but are not limited to:

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## OR570:

- Collecting and reviewing data to develop a TESP
- Writing the TESP
- Training Designated Person on TESP
- Interviewing people to inform the FBA
- Reviewing records to inform the FBA
- Observing the person in various environments
- Writing the PBSP
- Training Designated Persons on the PBSP
- Revising the PBSP

## OR310, after PBSP is completed:

- Retraining Designated Persons as needed, and training new Designated Persons
- Updating the FBA
- Updating the PBSP
- Attending meetings that may result in changes to the PBSP
- Observing the person in various environments
- Collecting and reviewing data

Invoiced amounts cannot exceed the hours/units authorized for the specific event in the ISP and POC.

### **An invoice for an OR570 event must include:**

Name of the individual served

- A list of the dates of service for the event being invoiced
- The name of the Behavior Professional or their designee who provided the service on each date
- Location of where the service was provided on each date
- Duration of the service delivered, rounded to the nearest 15 minutes
- Description of the service delivered on each date

Invoices should be prepared at the time of, or immediately following, the event being recorded. Invoices must be accurate and contain no willful falsifications. Invoices must be legible, dated, and signed by the Behavior Professional who authored the document. Invoices must be made available upon request by the CME, ODDS, or their designees. Rates paid must

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reflect the rates in effect according to the Expenditure Guidelines when the service was authorized.

## **Releasing pending payment**

Once the SC or PA identifies that the TESP, FBA or PBSP meets the minimum requirements outlined in rule, the payment pending in eXPRS must be released to the Behavior Professional in a timely manner. This is typically within 10 business days when no corrections are needed. If the “not-to-exceed” amount drafted in eXPRS is more than the actual invoice being paid, then the drafted amount can be adjusted.

## **Standard Rate and Rural Rate**

When a Behavior Professional travels 70 or more miles one-way to deliver Professional Behavior Services, the modifier “RU” should be used for both OR570 and OR310 service codes.

When a Behavior Professional travels under 70 miles to deliver Professional Behavior Services, the modifier “ST” should be used for both OR570 and OR310 service codes. The “RU” modifier results in a higher rate to account for the Behavior Professional’s mileage and travel expenses.

The Expenditure Guidelines provide additional information on modifiers.

**Note for Telecommunications or Remote Services:** If *most or all* of a Behavior Professional’s interactions with the person and team are completed remotely, the Standard Rate should be authorized regardless of the distance between the Behavior Professional and the person. This should be determined at the time services are initially authorized. It is possible that the OR570 events—TESP, FBA, and PBSP—will be completed mostly in-person, and then the maintenance OR310 services will be completed remotely. In this example, if the Behavior Professional is located more than 70 miles from the person, the rural rate should be authorized for OR570 events, and the standard rate for OR310.

## **Exceptions**

There may be times when an individual’s need for Professional Behavior Services exceeds the standard provisions outlined in this document and the

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Expenditure Guidelines. An SC or PA may request an exception for the following situations, including but not limited to:

- The person requires behavior supports to address challenging behavior in multiple settings and the number of hours outlined in the Expenditure Guidelines for this situation will not be sufficient to meet the need.
- The person experiences a high volume of change in Designated Persons, staffing or supportive persons who must be trained in plan techniques.
- The person experiences an exceptionally complex condition or displays a multitude of complex behavioral challenges which require more intensive analysis, planning, and training.
- The person or their family need language interpretation or translation services to access Professional Behavior Services.

The SC or PA **does not** need to wait until all available hours for each service are exhausted before requesting an exception. ISP teams are encouraged to review and determine if an exception may be needed and make the request to ODDS early on in the process to ensure there are no delays or gaps in service for the person.

There may be many ways to determine if an exception may be needed. Some examples are:

- Creation of the FBA has used most of the hours available for OR570 without an exception.
- The rate of use of OR310 for first part of the person's ISP year indicates they will run out before the ISP renews.
- A previously approved exception for OR310 is still needed the following year based on observation data.

It is recommended that the SC or PA review the hours that have been used and identify why the current limits will be insufficient to support the the exception request.

## **Timelines**

Existing plans should be reviewed by the ISP team every 12 months. If the existing PBSP is seen to be meeting the individual's needs, there is no

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need to change the plan. If updates are needed, these can be completed as part of maintenance services.

## **Chapter 5 Temporary Emergency Safety Plan (TESP)**

A TESP is a proactive support document for the Designated Persons to follow to help mitigate an unsafe situation while the FBA and PBSP are being completed. If a TESP is authorized, then an FBA must be completed.

TESPs are intended to be used only in emergency situations where there is an acute behavioral challenge that requires immediate intervention to address the health and safety of the individual or others, while the FBA is being completed. TESPs are a short-term tool and should only be in place for 90 days or less.

TESPs may only include Safeguarding Interventions if an individual is entering a new setting or a new challenging behavior emerges, and the TESP includes documentation about how to use the safeguarding interventions.

An individually based limitation (IBL) is still required and including a safeguarding intervention in a TESP does not substitute for the IBL completed by the SC or PA.

### **TESP Requirements**

All of the information identified by rule is required in every TESP. If something does not apply to the specific individual or situation, the Behavior Professional must identify the reason why the topic does not apply rather than omitting the topic.

See Appendix A for an easy reference TESP checklist.

### **TESP Timelines**

TESPs are authorized to mitigate an urgent situation. Therefore, the Behavior Professional must deliver a TESP to an individual, their Designated Persons, and the SC or PA no later than 15 days after the behavior professional agrees to deliver Professional Behavior Services by signing the ISP or Service Agreement.

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The TESP expires after 90 days. The SC or PA may reconvene the ISP team if the expiration date needs to be extended for exceptional circumstances. If the team agrees, an additional 90 days may be added to the expiration date of the TESP. The expiration date can only be extended one time, allowing for the TESP to remain valid for a total of six months. The one-time extension of the TESP must be documented in an ISP change form. These timeline requirements and expected completion date should be included in the ISP.

### **Chapter 6 Functional Behavior Assessment (FBA)**

The FBA identifies the purpose of or reason for the challenging behavior displayed by the individual. The FBA should clarify the challenging behavior and identify how that behavior is impacted by the person's diagnosed intellectual or developmental disability.

#### **FBA Timelines**

The rule does not have specific timeline requirements for the completion of the FBA. For people with a TESP however, an FBA must be in place by the expiration date of that document.

The SC or PA must document the hours authorized to complete the FBA in the "chosen provider" section of the ISP. The Behavior Professional may not invoice for more hours than was authorized in the plan. The SC or PA should establish and document the estimated length of time needed to complete the FBA in the ISP. Most FBAs will take 90 days to complete. However, the time needed to complete the FBA may be affected by many of factors, including an person's unique needs or the availability of the Designated Persons. The person, their family, Designated Persons, SC or PA, and Behavior Professional should remain in communication around the length of time needed to complete the FBA.

The FBA timeline cannot exceed the ISP timeline unless it is authorized again in the next plan year. If the span of time to complete an FBA extends beyond the individual's plan year, then the service will need to be authorized again in the following ISP.



# **ODDS Guide to Professional Behavior Services**

## **FBA Requirements**

All of the information identified by rule is required in every FBA. If something does not apply to the specific individual or situation, the Behavior Professional must note this and document the reason why the topic does not apply.

## **Functional Alternative Behavior**

When a Functional Behavior Assessment (FBA) does not indicate the need for a functional alternative behavior, then a PBSP is not needed. Informal guidelines, such as staff intervention guidelines can be developed for Designated Persons to follow.

Informal guidelines are not a component of Professional Behavior Services and cannot be invoiced by a Behavior Professional.

Informal guidelines may not include any intervention with restraining qualities. The Behavior Professional can be compensated for the FBA even when a PBSP is not completed.

See [Appendix B](#) for an easy reference FBA checklist.

## **Chapter 7 Positive Behavior Support Plan (PBSP)**

A PBSP identifies the functional alternative behaviors as replacements to a challenging behavior. It also creates a practical and effective plan for Designated Persons to assist the individual in reducing challenging behavior(s).

## **PBSP Timelines**

The rule does not have specific timeline requirements for the completion of a PBSP. For people with a TESP however, a PBSP must be in place by the expiration date of that document.

The SC or PA must document the hours authorized to complete the PBSP in the “chosen provider” section of the ISP. The Behavior Professional may not invoice for more hours than were authorized in the plan. Most PBSPs will take about 45 days to complete. However, the time needed to complete the PBSP may be affected by a myriad of factors, including a person’s unique needs or the availability of the designated persons. The person,



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their family, designated persons, SC or PA, and Behavior Professional should remain in communication around the length of time needed to complete the PBSP.

The PBSP development timeline cannot exceed the ISP year in which the service is authorized. If the span of time to complete a PBSP extends beyond the individual's plan year, then the service will need to be authorized again in the following ISP.

## **PBSP Requirements**

All the information identified by rule is required in every PBSP. If something does not apply to the specific person or situation, the Behavior Professional must note this and document the reason why the topic does not apply rather than omitting the topic.

See [Appendix C](#) for an easy reference PBSP checklist.

## **Chapter 8 Safeguarding Interventions and Restraints**

OAR 411-317 defines a "Safeguarding Intervention" as:

A manual physical restraint that is:

- (a) Included in an ODDS-approved behavior intervention curriculum; and
- (b) Authored by a behavior professional as an emergency crisis strategy within a Positive Behavior Support Plan or Temporary Emergency Safety Plan; and
- (c) Applied by a designated person trained to administer the intervention; and
- (d) Consented to through an individually-based limitation according to OAR 411-415-0070; and
- (e) Used solely as an emergency crisis strategy to protect an individual from imminent risk of harming themselves or harming others.

**"Physical restraint" is defined in OAR 411-317 as:**

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“Any manual method or physical or mechanical device, material, or equipment attached to or adjacent to an individual's body that the individual cannot remove easily, which restricts freedom of movement or normal access of the individual to the individual's body. Any manual method includes physically restraining an individual by manually holding the individual in place.”

### **Children's DD Residential, Host Home and Foster Care Settings**

Authorized restraints applied in children's developmental disabilities foster homes, Host Homes, and children's residential settings these settings must meet the criteria for a Safeguarding Intervention in addition to setting-specific requirements described in those settings' rule divisions. Restraints that are *not authorized* in a TESP or PBSP must be reported by CMEs as “serious incidents” and reported to the Office of Training Investigation, and Safety (OTIS) for additional review. Please see [Appendix D](#) for more information.

Referrals for Professional Behavior Services can happen anytime, including while a child is waiting to enter residential services. If a child experiences challenging behavior, SCs must support timely referrals so that when needed, PBSPs are in place at the time of placement or TESP are in place until the FBA and PBSP are completed. TESP written to support transitions to residential settings should only include safeguarding interventions when indicated based on a child's unique needs and the Behavior Professional's judgment.

Safeguarding interventions written into a TESP still require an IBL completed by the SC. The ISP team can go through the IBL process while completing the TESP. These IBLs must be reviewed and updated when the FBA and PBSP are complete.

**\*Note OAR 411-415-0070(3)(d)(B) states the following related to IBLs:**  
“(B) When used to address a challenging behavior, is directed in a *Positive Behavior Support Plan* written by a behavior professional qualified to author the safeguarding intervention”.

**The above language will be corrected in a future rule update to include reference to TESP.**

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## Certification requirements

Only Behavior Professionals who have the appropriate level of certification in an ODDS-approved behavior intervention curriculum can author Safeguarding Interventions.

SCs or PAs should verify that the Behavior Professional is certified to author Safeguarding Interventions when searching for a qualified Behavior Professional by reading the certification or letter issued by the ODDS-approved behavior intervention curriculum, such as the OIS Steering Committee.

## Emergency Crisis Strategies in PBSPs

Any intervention meeting the definition of physical restraint as outlined in OAR 411-317 must be a Safeguarding Intervention and may only be included as an **emergency crisis strategy** in a PBSP or TESP.

Physical restraints are defined in OAR 411-317 as:

Any manual method or physical or mechanical device, material, or equipment attached to or adjacent to an individual's body that the individual cannot remove easily, which restricts freedom of movement or normal access of the individual to the individual's body. Any manual method includes physically restraining an individual by manually holding the individual in place.

Interventions that have restraining qualities cannot be included in an informal plan such as an interaction or staff guideline.

## Physical Positioning

Physical Positioning is categorized as a Restrictive Measure in the OIS behavior-intervention curriculum. Physical positioning is when a Designated Person uses their own body position for the purpose of preventing access to an area, item, or person.

When Physical Positioning is an anticipated intervention it must be written into a PBSP and trained by Behavior Professional. Use of Physical Positioning should be tracked and reported to the CME based on the discussion held by the ISP team. The CME should review the use of Physical Positioning as part of their monitoring to determine the effectiveness of the PBSP.

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## **Safeguarding Equipment**

"Safeguarding Equipment" is defined in OAR 411-317 as:

A device that meets the definition of a "physical restraint", requires an individually-based limitation consistent with OAR 411-415-0070, and is used to:

- (a) Maintain body position;
- (b) Provide proper balance; or
- (c) Protect an individual from injury, symptoms of a medical condition, or harm from a challenging behavior.

The use of Safeguarding Equipment must be included in a PBSP when necessary and the following information must be documented:

- The specific challenging behavior for which the safeguarding equipment is to be used;
- The specific device to be applied;
- Any necessary qualifications for the designated person;
- Situations for when to employ the use of safeguarding equipment; and,
- The length of time the safeguarding equipment may be applied in any instance.

## **Less intrusive measures**

The Behavior Professional must document any less invasive actions which have been determined to be ineffective or inappropriate for the individual when recommending a safeguarding intervention.

## **Safeguarding Intervention Documentation Requirements**

The PBSP or TESP may only indicate the use of a Safeguarding Interventions to address a challenging behavior. The Behavior Professional must document:

- The specific challenging behavior for which the safeguarding interventions is to be used.

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- Exactly which safeguarding intervention can be applied to address the challenging behavior.
- Required training and any specific characteristics required by the designated persons who may apply the safeguarding intervention.
- When to employ the use of safeguarding intervention.
- When to avoid the use of the safeguarding intervention.
- When to abort the safeguarding intervention.
- A recommended schedule for the designated persons to practice the safeguarding interventions.

### **Prohibited Interventions**

Professional Behavior Services and behavior supports cannot include any of the following characteristics:

- Abusive
- Aversive
- Coercive
- For convenience
- Disciplinary
- Demeaning
- Pain compliance
- Punishment
- Retaliatory

The following types of physical restraints are never allowed:

- Supine restraints
- Prone restraints
- Lateral restraints where an individual is held horizontally on a floor or other surface

### **Measure of Last Resort**

A Behavior Professional may only include a Safeguarding Intervention in a PBSP or TESP when the safeguarding intervention is directed:

- For only as long as the situation presents imminent danger to the health or safety of the individual or another person.
- To be used only as a measure of last resort.

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This means that the PBSP or TESP must direct the Designated Person to immediately stop using the Safeguarding Intervention when the situation no longer presents a danger to the health or safety of the person or someone else. The PBSP or TESP must indicate that the only time it is acceptable to engage in a Safeguarding Intervention is when the Designated Persons have no other way to keep the individual or others safe.

A Safeguarding Intervention may never be indicated to remain in place for a specific amount of time. Safeguarding Interventions must be released immediately when there is no longer risk of imminent harm to the individual or others.

A Safeguarding Intervention may never be indicated as a strategy to use just because all other interventions fail to achieve the desired result. Safeguarding Interventions are only indicated when there is imminent risk of harm to the individual or others.

### **Weigh Test**

Any PBSP or TESP including a safeguarding intervention must also document:

- The nature and severity of imminent danger requiring a safeguarding intervention.
- The potential risk of harm to the individual from the behavior.
- And weigh the potential risk of harm to the Individual from the safeguarding intervention against the potential risk of harm from the challenging behavior.

This means that the Behavior Professional must document in the PBSP or TESP that the potential risk of harm to the individual from the application of the safeguarding intervention is less than the potential risk of harm to the individual from the behavior being exhibited.

### **Co-Authorship**

A Behavior Professional who is not certified to include safeguarding interventions or emergency physical restraints in a PBSP or TESP may collaborate with a certified Behavior Professional who is certified to author safeguarding interventions. The certified Behavior Professional must both

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author and train any safeguarding interventions or emergency physical restraints written into a PBSP or TESP.

The Behavior Professional who is not certified to include safeguarding interventions but is selected by the individual to provide Professional Behavior Services, is referred to as the “lead” Behavior Professional when they collaborate with another person who is certified to author safeguarding interventions or emergency physical restraints in a PBSP or TESP. Only the “lead” Behavior Professional can be authorized in eXPRS and paid. The lead Behavior Professional is responsible to make arrangements with any collaborators to the plan. The plan must be clearly co-authored by both the “lead” Behavior Professional as well as the person who is certified to author the safeguarding interventions.

The Behavior Professional who is co-authoring the PBSP or TESP by lending their expertise and certification to author and train safeguarding interventions or emergency physical restraints is referred to as the “certified” Behavior Professional.

The SC or PA will only authorize the lead Behavior Professional as the provider in the ISP and in eXPRS. It is the responsibility of the lead Behavior Professional to collaborate with a person who is certified to author Safeguarding Interventions. The SC or PA must verify that the portion of the plan that includes interventions that have restraining qualities was authored by a person who is certified to do so.

### **Scope of Practice**

Behavior Professionals must remain within their scope of practice. A Behavior Professional is not a trained medical professional. Safeguarding interventions arising from or to address a medical need should be authored by a medical professional in a written medical plan.

If the need for the Safeguarding Intervention is both medical and behavioral the SC or PA should assure that the Safeguarding Intervention reflects collaboration by both the medical provider and the qualified Behavior Professional. This should be documented in the PBSP or TESP. The SC or PA must coordinate the information sharing between the Behavior Professional and medical professional.

### **ODDS-Approved Behavior Intervention Curriculum**

Safeguarding Interventions may only be those strategies and maneuvers included in an ODDS-approved behavior intervention curriculum. If there is



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a need to have a specific intervention modified, the Behavior Professional must get written permission from the overseeing body of that ODDS-approved behavior intervention curriculum.

Written permission to modify the physical intervention must be attached to the PBSP or TESP. SCs or PAs must not authorize any PBSP or TESP containing any maneuver, technique or intervention that might have restraining qualities without confirming that it is included in an ODDS-approved behavior intervention curriculum. The SC or PA may request the Behavior Professional identify where the Safeguarding Intervention is included in the curriculum. SCs or PAs may consult with the overseeing body of that ODDS-approved behavior intervention curriculum for further clarification.

### **Acknowledgement Statement**

Every time a Behavior Professional writes a PBSP or TESP including Safeguarding Interventions, a statement must be included to indicate that prior to the implementation of any Safeguarding Intervention, an person must have an Individually Based Limitation (IBL) for restraint in accordance with OAR 411-004-0040 and OAR 411-415-0070.

When a Behavior Professional includes a Safeguarding Intervention in a PBSP or TESP, the SC or PA will go through the IBL process. If the person consents to the Safeguarding Intervention by signing the IBL form, the Designated Persons have permission to use the Safeguarding Intervention.

If the individual does not consent to the Safeguarding Intervention by refusing to sign the IBL form, the Designated Persons does not have permission to use the Safeguarding Intervention.

The Behavior Professional should not alter the PBSP or TESP if the Safeguarding Intervention is not consented to through the IBL process. The need for the Safeguarding Intervention may remain part of the Behavior Professionals' recommendation and may be trained to the Designated Persons for use in case of an emergency.

### **Chapter 9 Maintenance**

When the Behavior Professional identifies that the PBSP will need ongoing maintenance and the person elects to receive the service, the ISP must document this as a chosen service. The maintenance of a PBSP must be provided by a qualified Behavior Professional. The Behavior Professional



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providing maintenance of the PBSP may be different than the Behavior Professional who authored the plan.

The ISP must clearly document why the plan needs to be maintained. Reasons a plan may need ongoing maintenance include:

- Continued development, training, implementation, and maintenance of a behavior data collection system utilized by Designated Persons.
- Collecting, evaluating, and revising the plan based on the behavior data and data tracking.
- Continued observations, evaluation, and re-evaluation of individual response to the delivered behavior supports outlined in the PBSP.
- Training to the newly identified Designated Persons due to a high rate of change in caregivers.
- Safeguarding Interventions included in the PBSP require routine practice and the Behavior Professional is needed to provide this through training.
- Maintaining and updating the FBA in order to inform the PBSP.

## **Maintenance Timelines**

The ISP must document the hours authorized to maintain the PBSP. The Behavior Professional may not invoice for more hours than authorized in the ISP. The SC or PA must clarify the estimated length of time needed to maintain the PBSP. The estimated time cannot exceed the ISP year.

## **Maintenance Requirements**

The ISP must document the requirements of the Behavior Professional in the maintenance phase of Professional Behavior Services.

When applicable, the Behavior Professional maintaining the plan is expected to review and update the PBSP to reflect new information and insights acquired during the maintenance phase of Professional Behavior Services. The Behavior Professional must provide the updated plan to the person, their family, Designated Persons, and the SC or PA.

During the maintenance phase of Professional Behavior Services, there is often no new written product developed (other than an updated PBSP where applicable). The progress notes submitted when a Behavior

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Professional bills for maintenance must describe the service that was provided.

## **Chapter 10 Professional Behavior Services Standards of Practice**

OAR 411-304 outlines standards of practice for all Behavior Professionals in all settings.

### **Release of Information**

The Behavior Professional must obtain an authorized release of information from the person or their legal guardian prior to contact with any other person or entity they may need to interact with during this service.

### **Confidentiality and Privacy**

All Behavior Professionals must maintain the confidentiality and privacy of the person being served as outlined in the provider enrollment agreement and ODDS rules.

### **Mandatory Reporters and Duty to Inform**

Behavior Professionals are mandatory reporters. To report abuse in Oregon, call 1-855-503-SAFE (7233). This hotline accepts abuse reporting for children and adults anywhere in Oregon. All Behavior Professionals have a duty to immediately inform the SC or PA when there is reason to suspect that a person is the victim of abuse. Behavior Professionals have no more than 24-Hours to report an injury or unusual incident involving the person being served. Behavior Professionals have no more than five days to inform the SC or PA if they suspect that challenging behavior may be the result of a person experiencing a medical issue or medication side-effect. A Behavior Professional is not expected to diagnose or treat medical conditions, as this is outside the scope of practice of the Behavior Professional. A Behavior Professional is expected to report observations, particularly when it is suspected that the issue is related to possible abuse, a medical issue, or mental health issue.

### **Dual Relationships**

A Behavior Professional may not serve an individual in a dual capacity. In situations where it is important for the individual to have a provider deliver

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more than one service, the SC or PA may request a variance clearly outlining how the individual benefits from having the Behavior Professional act in a dual role.

## **Professional Relationships**

Behavior Professionals are required to maintain a relationship with the person and their family that is solely limited to the scope of delivery of Professional Behavior Services.

## **Chapter 11 Using Telecommunications Technology**

The Behavior Professional may use secure, real-time interactive communication strategies to substitute for **some** face-to-face interactions during the delivery of Professional Behavior Services.

When an individual, Designated Persons, the SC or PA, and the Behavior Professional all agree that some Professional Behavior Services may be delivered through Telecommunications Technology, the agreement must be documented in the ISP or Service Agreement and signed by all parties involved, including the person, their legal guardian, or their designated representative, Designated Persons, the SC or PA, and the Behavior Professional.

## **Limitations**

The decision of how much of the interaction between the Behavior Professional, person, and Designated Persons is delivered using Telecommunication Technology should be based on the needs of the person, with consideration of the availability of Designated Persons and the chosen Behavior Professional.

## **Chapter 12 Positive Behavior Supports**

Positive behavior supports are not the same as Professional Behavior Services. Positive Behavior Supports are delivered as attendant care by the Designated Persons alongside Activities for Daily Living (ADLs), Instrumental Activities for Daily Living (IADLs), and health-related tasks.

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## Universal requirements

The delivery of Positive Behavior Supports are clarified in the rule specific to the paid provider, including Personal Support Workers and Direct Support Professionals working in any setting. It is the responsibility of the paid provider to know and understand the rule.

There are two universal requirements for every Designated Person, regardless of role or the setting in which they deliver Positive Behavior Supports: freedom from restraint and data tracking.

## Freedom from restraint

All individuals in every setting are assured freedom from restraint by Federal Regulations, Oregon Revised Statute and Oregon Administrative Rule. However, in situations where interventions are required to maintain the health and safety of the person or others, the process for an Individually Based Limitation must be followed.

Designated Persons may not use any strategy or intervention that has restraining qualities unless:

- The Safeguarding Intervention has been included in the emergency crisis section of a PBSP by a qualified Behavior Professional certified in an ODDS-approved behavior intervention curriculum.
- The Designated Person is trained to the specific maneuver by a Behavior Professional certified to train the intervention.
- The Designated Person has the physical characteristics necessary to safely deploy the maneuver.
- The person or their legal guardian consents to the use of the Safeguarding Intervention through the IBL process.

Sometimes physical restraints are used in an emergency to keep the person or others safe. Each rule governing the role of the provider outlines the responsibility of the Designated Person to report the use of a physical restraint in an emergency. Please note, **emergency physical restraints are prohibited in children's developmental disabilities Host Homes, 24-hour residential homes, and foster homes.**

Both Safeguarding Interventions and physical restraints used in an emergency may only be used as a last resort to keep an person or others

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safe. Safeguarding Interventions or physical restraints used in an emergency may only be applied for as long as the person or others are at imminent risk of being harmed.

Parents and guardians of a minor child may use some parenting techniques that have restraining qualities. Oregon Statute and Child Welfare abuse rules address protections and limitations related to minor children under the care of a parent or guardian. Parents and guardians of adults, as well as any other person may not use any technique that has restraining qualities unless it meets the requirements for the use of Safeguarding Interventions and physical restraints used in an emergency.

## **Data Tracking**

All Designated Persons are required to maintain behavior data tracking using the data collection system identified in the PBSP. The data tracking system may include a variety of methods or systems. If the Designated Person finds that the behavior data tracking system isn't effective or functional in the setting, they should work with the Behavior Professional to create a different system.

## **Chapter 13 Rules References and additional Resources**

- Action Request regarding Funding Review and Exceptions: <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/WorkerGuides/ODDS-Funding-Review-and-Exceptions.pdf>
- Expenditure Guidelines: <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/Documents/ODDS-Expenditure-Guidelines.pdf>
- ODDS Provider and Partner Resources:
- <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/Pages/index.aspx>
- ODDS Rules:
- <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/Pages/ODDS-Rules-History.aspx>
- ODDS Transmittals:
- <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/Pages/Transmittals.aspx>

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- ODDS Worker Guides:
- <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/Pages/ODDS-Worker-Guides.aspx>
- Oregon Intervention System (OIS):
- <https://www.asioregon.org/oregon-intervention-system/>

### **Subject Matter Expert (SME)**

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# **ODDS Guide to Professional Behavior Services**

## **Appendix A – TESP Approval Checklist**

The TESP should be a document that clearly explains the current situation requiring an emergency plan.

- Clarify the need for a TESP. The Behavior Professional should document the nature of the emergency identified by the ISP team as needing a TESP.
- A TESP expires in 90 days. The Behavior Professional should document the expiration date of the TESP.
- Documentation of the challenging behavior(s) is included. The Behavior Professional should identify the nature of the behaviors contributing to the urgent situation, including:
  - The duration of the challenging behavior.
  - The frequency, or an estimation, of how often the challenging behavior occurs.
  - The intensity of the challenging behavior.
  - The perceived severity of the challenging behavior. The severity of a behavior is a description of the negative effect of the behavior on the individual, others, or the environment.
- Environmental factors likely to be associated with, or to trigger, the challenging behavior must be explained.
- Any known conditions that impact an individual's physical functioning must be plainly documented in the TESP and an explanation as to how the physical condition contributes to the emergency requiring a TESP.
- Any known or suspected medical or mental health conditions, including any medication interactions that may impact the urgent situation.
- A summary of medical and behavior supports currently being used to support the individual and how they interact with the emergency situation must be included in the TESP.
- A summary of the Activities of Daily Living (ADL), Instrumental Activities or Daily Living (IADL), and health-related tasks for which assistance and supports are needed by the individual from the Designated Persons. The

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Behavior Professional must include a description of how these may be impacted by the emergency.

The Behavior Professional must document the presence of any established IBL as required by OAR 411-415-0070 and OAR 411-004-0040.

The Behavior Professional must include a proposed timeline for the completion of the FBA.

The Behavior Professional must clearly articulate the recommended behavior supports, adjustments to the environment and guidelines for Designated Persons.

Includes direction to Designated Persons to notify the individual's SC or PA within 24 hours of the application of an emergency crisis strategy or any physical restraint.

NOTE: There may be some circumstance where information from this checklist is unavailable or not applicable to an individual and not included in the TESP. If that is the case, the Behavior Professional must explain why the information was not available and/or not applicable and the TESP may still be approved.



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## Appendix A1 – Sample TESP Invoice

### Pretty Good Behavior Company



123 Sesame Street, New York, NY  
10001  
Phone: 867-5309  
Email: MrHooper@PGBC.com

**BILL TO**  
P. Sherman, SC, NY CDDP  
42 Wallaby Way,  
New York, NY 10001

**INVOICE FOR**  
**TESP** for Oscar T. Grouch

**BEHAVIOR**  
**PROFESSIONAL**  
**PROVIDER NUMBER:**  
987312687

TESP authorized for 9 hours. Expected due date: 11/15/17 (amended to 11/20/17)

Date of Service	BP	Description of Service	Location	In	Out	Total Time
11/01/17	Mr. Harry Hooper	Agreed to provide Professional Behavior Services to OTG	CDDP office	NA	NA	NA
11/03/17	Mr. Harry Hooper	Received secure email – performed File Review	PGBC Office	1:00 PM	2:30 PM	1:30
11/05/17	Mrs. S. Nufflaguss (Admin)	Left message for OTG's identified Designated Person: Mr. B. Bird	Phone	NA	NA	NA
11/07/17	Mrs. S. Nufflaguss (Admin)	Mr. B. Bird returned call. First appointment set for 11/10/17	Phone	NA	NA	NA
11/07/17	Mr. Harry Hooper	Notified P. Sherman, SC that the timeline for the TESP will be delayed due to start time of the service. P. Sherman will adjust ISP to indicate due date move from 11/15/17 to 11/20/17	Email Exchange	NA	NA	NA
11/10/17	Mr. Harry Hooper	Observation and Interviews with Mr. B. Bird & OTG (see case notes for more information)	Mr. B. Bird's Foster Home	10:00 AM	12:00 PM	2:00

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Date of Service	BP	Description of Service	Location	In	Out	Total Time
11/15/17	Mr. Harry Hooper	Interview with Mr. B. Bird (see case notes for more information)	Phone	1:00 PM	1:45 PM	:45
11/16/17	Mr. Harry Hooper	Write TESP	PGBC Office	8:00 AM	12:00 PM	4:00
11/18/17	Mr. Harry Hooper	Review TESP with Mr. B. Bird & OTG	Mr. B. Bird's Foster Home	4:00 PM	5:00 PM	1:00
Total TIME				8.5 Hours		
Rate:				\$80/hour		
Total Amount:				\$680		

Behavior Professional Signature: \_\_\_\_\_

*Harry Hooper*

Date Invoice and TESP was delivered to CDDP: November 22<sup>nd</sup>, 2017

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## Appendix B – FBA Checklist

The FBA should be a readable document that clearly explains the challenging behaviors and gives the reader an understanding of what the individual gains from the challenging behavior.

- Documentation of interviews with the individual, family, Designated Persons and others who contributed to the development of the FBA.
- Documentation that the Behavior Professional completed a review of the relevant, existing, and available behavior data.
- Summary of the individual's history and the history of the challenging behavior.
- Justification of the need to develop behavior supports.
- Documentation of how the challenging behavior is impacted by the individual's intellectual or developmental disability.
- Documentation the Behavior Professional considered that the challenging behavior may be related to an effort to communicate, the result of a medical or mental health condition, a response to trauma, and/or an effort to control their environment.
- The contexts in which the challenging behavior is most and least likely to occur.
- An assessment of the individual's behavior in all environments in which the individual commonly engages.
- A description of the individual's ability to accomplish Activities of Daily Living (ADL) and Instrumental Activities of Daily Living (IADL), and health-related tasks with the supports currently in place.
- Documentation of any assistive devices, technology, safeguarding equipment and/or environmental modifications in place at the time of developing the FBA.

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- A summary of other behavior intervention of treatment plans, including mental health or educational plans, or a statement that no such plans were available.
- A measurable description of the individual's current challenging behavior, including duration, frequency, intensity, and severity.
- Any factor(s) that may impact the success of the PBSP.
- A statement regarding the cause or function(s) of the challenging behavior.
- A statement by the Behavior Professional supporting the need for a PBSP if a PBSP is indicated, or an explanation as to why a PBSP is not indicated.
- Sources used as references for the FBA.

NOTE: There may be some circumstance where information from this checklist is unavailable or not applicable to an individual and not included in the FBA. If that is the case, the Behavior Professional must explain why the information was not available and/or not applicable and the FBA may still be approved.

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## Appendix B1 – Sample FBA Invoice

Date of Service	Behavior Professional	Description of Service Provided and to Whom Service was Provided	Location of Service	Start Time	End Time	Total Time
11/25/17	H. Hooper	Sent ROI to P. Sherman for additional history.	Email	NA	NA	NA
11/30/17	H. Hooper	Email query to P. Sherman as to additional history (see email dated 11/30/17)	Email	NA	NA	NA
12/05/17	H. Hooper	Email query to P. Sherman and supervisor as to additional history (see email dated 12/05/17)	Email	NA	NA	NA
12/07/17	H. Hooper	Received secure email with additional history – File Review performed (see email dated 12/06/17)	PGBC Office	7:00 PM	8:00 PM	1:00
12/10/17	Mrs. S. Nufflaguss (Admin)	Left voice mail message for Mr. B. Bird to set up time to start FBA	Voice mail	NA	NA	NA
12/15/17	Mrs. S. Nufflaguss (Admin)	Left voice mail message for Mr. B. Bird to set up time to start FBA	Voice mail	NA	NA	NA
12/15/17	Mrs. S. Nufflaguss (Admin)	Left voice mail message for Mr. B. Bird to set up time to start FBA- notified Mr. Bird that if a return call wasn't received by 12/30/17 this case will be closed	Voice mail	NA	NA	NA
12/15/17	Mrs. S. Nufflaguss (Admin)	Notified P. Sherman that if contact isn't made by 12/30/17 the case will be closed. (see email dated 12/15/17)	Email	NA	NA	NA
12/16/17	Mrs. S. Nufflaguss (Admin)	Spoke with Mr. B. Bird and set up appointment	Phone	NA	NA	NA
12/20/17	H. Hooper	Interview with Mr. B. Bird & OTG (see case notes for more information)	Mr. B. Bird's Foster Home	10:00 AM	11:30 PM	1:30
12/22/17	Mrs. S. Nufflaguss (Admin)	Left voice mail message for Mr. Telly (OTG's competitive, integrated employment)	Voice mail	NA	NA	NA

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Date of Service	Behavior Professional	Description of Service Provided and to Whom Service was Provided	Location of Service	Start Time	End Time	Total Time
12/22/17	Mrs. S. Nufflaguss (Admin)	Left voice mail message for Mr. Telly (OTG's competitive, integrated employment)	Voice mail	NA	NA	NA
12/27/17	Mrs. S. Nufflaguss (Admin)	Spoke with Mr. Telly to set up appointment	Phone	NA	NA	NA
01/04/18	H. Hooper	Interview and Observation of OTG with Mr. Telly in competitive, integrated employment setting. (see case notes for more information)	Telly's Pretty Good Job Site	3:00 PM	4:00 PM	1:00
01/07/18	Mrs. S. Nufflaguss (Admin)	Left message for OTG's Uncle Bert, with whom OTG often spends weekends	Phone	NA	NA	NA
01/07/18	H. Hooper	Notified P. Sherman, SC that the expected due date/time allotted for the FBA needs to be extended. OTG additional employment setting and weekends with Uncle will extend expected due date to 03/01/17 and hours extended to 16. (See email dated 01/07/18)	Email Exchange	NA	NA	NA
01/15/18	H. Hooper	Interview and Observation of OTG and Mr. Bert Pigeon at Uncle Bert's (see case notes for more information)	Mr. Pigeon's Home	2:00 PM	4:00 PM	2:00
01/15/18	Mrs. S. Nufflaguss (Admin)	Spoke with Mr. B. Bird to set up appointment	Phone	NA	NA	NA
01/17/18	H. Hooper	Interview with Mr. B. Bird (see case notes for more information)	Mr. B. Bird's Foster Home	11:30 AM	1:00 PM	1:30
01/19/18	H. Hooper	Write FBA	PGBC Office	1:00 PM	4:00 PM	4:00
01/20/18	Mrs. S. Nufflaguss (Admin)	Spoke to Mr. B. Bird to set up appointment to go over FBA	Phone	NA	NA	NA
02/02/18	H. Hooper	Review FBA with Mr. B. Bird and OTG (see case notes for more information)	Starbucks	9:00 AM	10:00 AM	1:00

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Date of Service	Behavior Professional	Description of Service Provided and to Whom Service was Provided	Location of Service	Start Time	End Time	Total Time
02/02/18	Mrs. S. Nufflaguss (Admin)	Spoke to Mr. Telly to set up appointment to go over FBA	Phone	NA	NA	NA
02/02/18	H. Hooper	Revise FBA based on additional information gathered on 02/02/18 from Mr. B. Bird	PGBC Office	10:30 AM	11:30 AM	1:00
02/02/19	H. Hooper	Review FBA with Mr. Telly and OTG (see case notes for more information)	Telly's Pretty Good Job Site	3:00 PM	4:00 PM	1:00
02/02/18	Mrs. S. Nufflaguss (Admin)	Spoke to Uncle Bert Pigeon to set up appointment to go over FBA (see case notes for more information)	Phone	NA	NA	NA
02/02/19	H. Hooper	Review FBA with Uncle Bert Pigeon and OTG (see case notes for more information)	Mr. Pigeon's Home	2:00 PM	3:00 PM	1:00
<b>Total Time</b>				<b>15 Hours</b>		
<b>Rate:</b>				<b>\$80/hour</b>		
<b>Total Amount:</b>				<b>\$1,200.00</b>		

Behavior Professional Signature:   
 Date Invoice and FBA was delivered to CDDP: February 8<sup>th</sup>, 2018



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## Appendix C – PBSP Checklist

The PBSP should give designated persons a clear path to know what to do to prevent or intervene during challenging behaviors. The length of the PBSP should be reasonable and the formatting should help the reader understand the information being presented. PBSPs must include or reference the following:

The behavior support approaches are written in a person-specific manner. The plan is individualized.

The PBSP includes:

- A measurable description of the challenging behavior, including duration, frequency, intensity, and severity.
- A description of the baseline behavior.
- A description of the functional alternative behavior.
- The supports available to an Individual to implement a functional alternative behavior.
- Known or suspected triggers or setting events for the challenging behavior.
- A description of common settings for the individual.
- Behavior supports to reduce duration, frequency, intensity, or severity of the challenging behavior.
- Documentation of the individual's preferences for the delivery of behavior supports.
- The circumstances that are preventing the individual from accomplishing ADL, IADL, and health-related tasks.
- The supports available to an individual to support a functional alternative behavior.
- Any IBLs in place the time the PBSP is developed.
- Strategies to help the Designated Person understand, deescalate, redirect, or reduce an individual's challenging behavior, including strategies that are:
  - Proactive.
  - Reactive or an explanation when not needed.
  - Emergency crisis or an explanation when not needed.

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Recovery or an explanation when not needed.

Evidence the behavior supports address medical, biological, environmental, psychological, social, historical, trauma and other factors.

### **If safeguarding interventions are included in the PBSP the following must also be present:**

A statement indicating that the interventions cannot be used until the individual consents through the IBL process.

Documentation that the Behavior Professional has weighed the risk of harm to the individual from each challenging behavior against the potential risk of harm from each Safeguarding Intervention.

Indication that any Safeguarding Interventions must be predicated by less intrusive measures

Requirement that any Safeguarding Intervention must be documented and used only as a last resort

Documentation of the behavior data collection system.

Indicators for when to review or revise the plan, including who is responsible for the review. The PBSP should be reviewed every 12 months with the ISP team at a minimum.

A plan to phase out professional behavior services.

Documentation that the information outlined in plan has been reviewed with the Individual, their legal or designated representative, and Designated Persons.

Documentation that the Behavior Professional provided the initial training of the behavior supports in a PBSP to the Designated Person on the behavior supports. Training must include:

Observation of Designated Person implementing or role-playing the behavior supports, or a statement that this was not consented to by the individual or their legal/designated representative.

Gathering feedback from the Individual and Designated Person to inform modifications to the plan prior to finalization of the PBSP.

### **A PBSP must not include any prohibited interventions.**

NOTE: There may be some circumstance where information from this checklist is unavailable or not applicable to an individual and not included in the PBSP. If that is the case, the Behavior Professional must explain why

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the information was not available and/or not applicable and the PBSP may still be approved.

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## Appendix C1 – Sample PBSP Invoice

Date of Service	Behavior Professional	Description of Service Provided and to Whom Service was Provided	Location of Service	Start Time	End Time	Total Time
02/15/18	Mr. Harry Hooper	Discussion with P. Sherman, SC regarding hours need to complete a PBSP for OTG's foster and employment setting as well as Uncle Bert's home. P. Sherman will request exception for additional 8 hours to complete PBSP.	Phone	11:00 AM	11:30 AM	:30
02/15/18	Mrs. S. Nufflaguss (Admin)	Set up appointment with Mr. B. Bird. They are going on vacation.	Phone	NA	NA	NA
02/20/18	Mr. Harry Hooper	Write PBSP	PGBC Office	9:00 AM	12:00 PM	3:00
02/24/18	Mr. Harry Hooper	Write PBSP	PGBC Office	2:00 PM	4:00 PM	2:00
03/01/18	Mr. Harry Hooper	Review PBSP and Behavior Data Tracking with Mr. B. Bird & OTG (see case notes for more information)	Mr. B. Bird's Foster Home	4:00 PM	5:30 PM	1:30
03/15/18	Mr. Harry Hooper	Received notice from P. Sherman, SC that exception was approved for an additional 8 hours.	Email	NA	NA	NA
03/20/18	Mr. Harry Hooper	Observation of Mr. B. Bird & OTG (see case notes for more information)	Mr. B. Bird's Foster Home	12:30 PM	2:00 PM	1:30
03/20/18	Mr. Harry Hooper	Phoned P. Sherman, SC re: concerning report from OTG regarding a fall during vacation. (see case notes for more information)	Phone	3:00 PM	3:30 PM	:30
03/22/18	Mr. Harry Hooper	Revise PBSP based on observation	PGBC Office	8:00 AM	9:30 AM	1:30
03/25/18	Mr. Harry Hooper	Review PBSP and Behavior Data Tracking with Mr. B. Bird & OTG (see case notes for more information)	Mr. B. Bird's Foster Home	4:00 PM	5:00 PM	1:00
03/30/18	Mr. Harry Hooper	Review PBSP and Behavior Data Tracking with Mr. Telly &	Telly's Pretty	11:00 AM	12:00 PM	1:00

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Date of Service	Behavior Professional	Description of Service Provided and to Whom Service was Provided	Location of Service	Start Time	End Time	Total Time
		OTG (see case notes for more information)	Good Job Site			
04/01/18	Mr. Harry Hooper	Review PBSP and Behavior Data Tracking with Uncle Bert Pigeon & OTG (see case notes for more information)	Telly's Pretty Good Job Site	10:00 AM	11:00 AM	1:00
04/05/18	Mr. Harry Hooper	Revise PBSP based on observations	PGBC Office	8:00 AM	9:30 AM	1:30
04/07/18	Mr. Harry Hooper	Review revised PBSP with Mr. Bert Pigeon (see case notes for more information)	Phone	11:00 AM	11:30 AM	:30
04/07/18	Mr. Harry Hooper	Review revised PBSP with Mr. B. Bird (see case notes for more information)	Phone	11:45 AM	12:30 PM	:45
04/07/18	Mr. Harry Hooper	Review revised PBSP with Mr. Telly (see case notes for more information)	Phone	1:00 PM	1:30 PM	:30

Total TIME            9 Hours  
 Rate:                    \$80/hour  
 Total Amount:        \$1,340.00

Behavior Professional Signature: *Harry Hooper*  
 Date Invoice and TESP was delivered to CDDP: April 10<sup>th</sup>, 2018

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# **ODDS Guide to Professional Behavior Services**

## **Appendix D Restraints in Children’s Developmental Disabilities Residential, Host Home, and Foster Care Settings**

### **Definitions and Instructions**

1. “Restraint” as used in this grid means the physical restriction of an individual’s actions or movements by holding the individual, using pressure, or other means. This broad term, used throughout this document, includes what you may know of as “physical restraints”, “manual restraints”, “safeguarding interventions”, “protective physical interventions”, or “emergency physical restraints”.
2. “Allowable restraint” as used in this grid means a restraint that is not a prohibited restraint under governing statutes and ODDS rules and is included in an ODDS-approved behavior intervention curriculum.
3. “Prohibited restraint” means any of the following restraints prohibited under ODDS rules and governing statutes:
  - a. Chemical, mechanical, prone, supine, and lateral floor restraints.
  - b. Any restraint that includes the nonincidental use of a solid object, including the ground, a wall or the floor, to impede a child’s movement.
  - c. Any restraint that places, or creates a risk of placing, pressure on a child’s neck or throat.
  - d. Any restraint that places, or creates a risk of placing, pressure on a child’s mouth.
  - e. Any restraint that impedes, or creates a risk of impeding, a child’s breathing.
  - f. Any restraint that involves the intentional placement of hands, feet, elbows, knees or any object on a child’s neck, throat, genitals, or other intimate parts.
  - g. Any restraint that causes pressure to be placed or creates a risk of causing pressure to be placed, on a child’s stomach, chest, joints, throat or back by a knee, foot or elbow.
  - h. Any other restraint, the primary purpose of which is to inflict pain.



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- i. Any restraint that is abusive, aversive, coercive, demeaning, disciplinary, or for pain compliance, convenience, punishment, or retaliation.
  - j. Any restraint that uses more physical force and contact than necessary or is applied for longer than necessary.
4. “Untrained person” as used in this grid means someone who is not certified, at the time of the restraint, in an ODDS-approved behavior intervention curriculum to apply the specific restraint applied to the individual.
5. One restraint may meet multiple scenarios described in this grid. In these instances, providers and CMEs should take action as indicated, but should not repeat the same action more than once for the same incident. For example, if a prohibited restraint is applied by an untrained person, only *one* provider incident report is required.

Restraint Description	Provider Action Required	CME Action Required	Mandatory Report Indicated?	OTIS Screening Process
<b>Any allowable restraint consented to through an IBL and included in a child’s PBSP or TESP</b>	Debriefing meeting* Written notice* Incident report Quarterly report*  *Not required in DD foster care.	Progress note  Follow-up as appropriate	No.	N/A
<b>Any restraint resulting in injury to a child</b>	Debriefing meeting* Written notice*	Progress note  Serious incident entry	Yes.	OTIS would need more information about the injury to determine whether

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	<p>Incident report</p> <p>Quarterly report*</p> <p>*Not required in DD foster care.</p>	<p>Follow-up as appropriate</p>		<p>to screen out or assign.</p>
<p><b>Any prohibited restraint</b></p>	<p>Debriefing meeting*</p> <p>Written notice*</p> <p>Incident report</p> <p>Quarterly report*</p> <p>*Not required in DD foster care.</p>	<p>Progress note</p> <p>Serious incident entry</p> <p>Follow-up as appropriate</p>	<p>Yes.</p>	<p>Likely to assign for investigation.</p>
<p><b>Any allowable restraint not included in a child’s PBSP or TESP for any of the following permissible reasons:</b></p> <ul style="list-style-type: none"> <li>○ <b>When behavior poses reasonable risk of imminent serious bodily injury</b></li> <li>○ <b>Break up physical fight</b></li> <li>○ <b>Prevent serious bodily injury</b></li> <li>○ <b>Prevent assault</b></li> <li>○ <b>Prevent sexual contact</b></li> </ul>	<p>Debriefing meeting*</p> <p>Written notice*</p> <p>Incident report</p> <p>Quarterly report*</p> <p>*Not required in DD foster care.</p>	<p>Progress note</p> <p>Serious incident entry</p> <p>Follow-up as appropriate</p>	<p>Yes.</p>	<p>If determined to be a permissible reason: likely to be screened out.</p> <p>If determined to be another reason: likely to be assigned for investigation.</p>

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<p><b>Any allowable restraint not in PBSP or TESP for any other reason than reasons listed in row above.</b></p>	<p>Debriefing meeting*</p> <p>Written notice*</p> <p>Incident report</p> <p>Quarterly report*</p> <p>*Not required in DD foster care.</p>	<p>Progress note</p> <p>Serious incident entry</p> <p>Follow-up as appropriate</p>	<p>Yes.</p>	<p>Likely to be assigned for investigation.</p>
<p><b>Any allowable restraint by untrained person for one or more of the following permissible reasons:</b></p> <ul style="list-style-type: none"> <li>○ <b>When behavior poses reasonable risk of imminent serious bodily injury</b></li> <li>○ <b>Break up physical fight</b></li> <li>○ <b>Prevent serious bodily injury</b></li> <li>○ <b>Prevent assault</b></li> <li>○ <b>Prevent sexual contact</b></li> </ul>	<p>Debriefing meeting*</p> <p>Written notice*</p> <p>Incident report</p> <p>Quarterly report*</p> <p>*Not required in DD foster care.</p>	<p>Progress note</p> <p>Serious incident entry</p> <p>Follow-up as appropriate</p>	<p>Yes.</p>	<p>If determined to be a permissible reason: likely to be screened out.</p> <p>If determined to be another reason: highly likely to be assigned for investigation.</p>

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<p><b>Any allowable restraint by untrained person for <i>any other</i> reason than the reasons listed in row above</b></p>	<p>Debriefing meeting*</p> <p>Written notice*</p> <p>Incident report</p> <p>Quarterly report*</p> <p>*Not required in DD foster care.</p>	<p>Progress note</p> <p>Serious incident entry</p> <p>Follow-up as appropriate</p>	<p>Yes.</p>	<p>Likely to be assigned for investigation.</p>
<p><b>Children’s residential and host homes only:</b>  <b>Allowable restraint for permissible reason(s), applied by trained person, lasting more than 10 minutes <i>with</i> written or electronic permission to continue every 5 minutes thereafter</b></p>	<p>Debriefing meeting</p> <p>Written notice</p> <p>Incident report</p> <p>Quarterly report</p>	<p>Progress note</p> <p>Follow-up as appropriate</p>	<p>Not likely.</p>	<p>If called in:</p> <p>If determined to be a permissible reason, highly likely to be screened out.</p> <p>If determined to be another reason: likely to be assigned for investigation.</p>
<p><b>Children’s residential and host homes only:</b>  <b>Allowable restraint for permissible reason(s), applied by trained person, lasting more than 10 minutes <i>without</i> permission to continue every 5 minutes thereafter</b></p>	<p>Debriefing meeting</p> <p>Written notice</p> <p>Incident report</p> <p>Quarterly report</p>	<p>Progress note</p> <p>Serious incident entry</p> <p>Follow-up as appropriate</p>	<p>Yes.</p>	<p>OTIS will consider the reason the restraint occurred when determining whether to screen out or assign for investigation.</p>

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<p><b>Children’s residential and host homes only:</b>  <b>Allowable restraint for permissible reason(s), applied by trained person, lasting more than 30 minutes <i>with</i> adequate access to water and bathroom at least every 30 minutes</b></p>	<p>Debriefing meeting                  Written notice                  Incident report                  Quarterly report</p>	<p>Progress note                  Follow-up as appropriate</p>	<p>Not likely.</p>	<p>If called in:                  If determined to be a permissible reason, likely to be screened out.                  If determined to be another reason, likely to be assigned for investigation.</p>
<p><b>Children’s residential and host homes only:</b>  <b>Allowable restraint for permissible reason(s), applied by trained person, lasting more than 30 minutes <i>without</i> adequate access to water and bathroom at least every 30 minutes</b></p>	<p>Debriefing meeting                  Written notice                  Incident report                  Quarterly report</p>	<p>Progress note                  Follow-up as appropriate</p>	<p>Yes.</p>	<p>OTIS will consider the reason the restraint occurred when determining whether to screen out or assign for investigation.</p>