

## **Licensed Children's Emergency Safety Intervention Specialist**

### **309-034-0400**

#### **Purpose and Statutory Authority**

(1) Purpose. These rules prescribe procedures relating to licensing Children's Emergency Safety Intervention Specialist. A licensed Children's Emergency Safety Intervention Specialist is authorized to order, monitor, and evaluate the use of personal restraint and seclusion in accredited and certified facilities providing psychiatric residential treatment services to individuals under 21 years of age. The Children's Emergency Safety Intervention Specialist license is for the purpose of licensing qualified mental health professionals (QMHP) who are not licensed by any other healthcare licensing board. It is not to be issued as an additional credential to currently licensed practitioners such as licensed clinical social workers, licensed registered nurses, licensed psychologists, licensed professional counselors, licensed marriage and family therapist, or licensed physicians.

(2) Statutory Authority. These rules are authorized by House Bill 2626 to carry out the provisions set forth in House Bill 2626.

Stat. Auth.: HB 2626

Stats. Implemented: HB 2626

Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02

### **309-034-0410**

#### **Definitions**

As used in these rules:

(1) "Chemical Restraint" means any drug that:

(a) Is administered to manage a resident's behavior in a way that reduces the safety risk to the resident or others;

(b) Has the temporary effect of restricting the resident's freedom of movement; and

(c) Is not a standard treatment for the resident's medical or psychiatric condition.

(2) "Children's Emergency Safety Intervention Specialist" means a QMHP who is authorized to order, monitor, and evaluate the use of personal restraint and seclusion in accredited and certified facilities providing psychiatric residential treatment services to individual under 21 years of age.

(3) "Department" means the Department of Humans Services.

(4) "Emergency safety intervention" means the use of restraint or seclusion as an immediate response to an emergency safety situation.

(5) "Emergency Safety Intervention Training" means a Department approved course that teaches students to safely manage emergency safety situations and methods for reducing the need for emergency safety interventions. The minimum requirements for a Department approved course is one that has an established curriculum, includes an identified instructor, requires an identified number of face to face instruction hours, teaches students how to safely manage emergency safety situations, includes methods to de-escalate volatile clients, and has an evaluation component to assess the student's competency of the course materials.

(6) "Emergency safety situation" means unanticipated resident behavior that places the resident or others at serious threat of violence or injury if no intervention occurs and that calls for an emergency safety intervention as defined in this section.

(7) "Mechanical restraint" means any device attached or adjacent to the resident's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body.

(8) "Personal Restraint" means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. The term personal restraint does not include briefly holding without undue force a resident in order to calm or comfort him or her, or holding a resident's hand to safely escort a resident from one area to another.

(9) "Psychiatric Residential Treatment Services Provider" means an organization or agency accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Council on Accreditation of Services for Families and Children (COA), or the Rehabilitation Accreditation Commission (CARF) and certified by the Department of Human Services to provide psychiatric residential treatment services for individuals under 21 years of age;

(10) "Qualified Mental Health Professional" or "QMHP" means a Licensed Medical Practitioner or any other person who meets the following minimum qualifications as documented by the provider:

(a) Holds any of the following educational degrees:

(A) Graduate degree in psychology;

(B) Bachelor's degree in nursing and licensed by the State of Oregon;

(C) Graduate degree in social work;

(D) Graduate degree in a behavioral science field;

(E) Graduate degree in recreational, music, or art therapy;

(F) Bachelor's degree in occupational therapy and licensed by the State of Oregon; and

(b) Whose education and experience demonstrate the competency to identify precipitating events; gather histories of mental and physical disabilities, alcohol and drug use, past mental health services and criminal justice contacts; assess family, social and work relationships; conduct a mental status examination; document a multi-axial DSM diagnosis; write and supervise an individual plan of care; conduct a Comprehensive Mental Health Assessment and provide individual, family and/or group therapy within the scope of their training.

(11) "Restraint" means a "personal restraint," "mechanical restraint," or "chemical" as defined in this section.

(12) "Seclusion" means the involuntary confinement of a resident alone in a room or an area from which the resident is physically prevented from leaving.

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### **309-034-0420**

#### **Application for Licensure as a Children's Emergency Safety Intervention Specialist**

In order to obtain a license as a Children's Emergency Safety Intervention Specialist, an agency that is certified by the Department of Human Services to provide psychiatric residential treatment services for individuals under 21 years shall make application on behalf of the licensure applicant. The Department shall issue a license as a Children's Emergency Safety Intervention Specialist to each applicant who furnishes satisfactory evidence to the Department that the applicant meets the following qualifications:

- (1) Is employed by or providing services under contract with a provider that is certified by the Department of Human Services to provide psychiatric residential treatment services for individuals under 21 years of age;
- (2) Meets qualifications established by the Department by rule for qualified mental health professionals;
- (3) Has successfully completed an emergency safety intervention training program approved by the Department within the past 12 months;
- (4) Demonstrates the ability to assess the psychological and physical well-being of individuals under 21 years of age;
- (5) Demonstrates knowledge of federal and state rules governing the use of restraint and seclusion in intensive mental health treatment programs for individuals under 21 years of age.

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### **309-034-0430**

#### **Scope of Licensure**

(1) A licensed Children's Emergency Safety Intervention Specialist is authorized to:

(a) Order the least restrictive intervention, including personal restraint or seclusion that is most likely to be effective in resolving an emergency safety situation if the treatment team physician is not available.

(b) Provide the federally mandated face-to-face assessment of a child's well-being following and/or within one hour of the initiation of the emergency safety intervention; and

(c) Accept verbal orders for personal restraint and/or seclusion from a physician or licensed practitioner who is authorized to order personal restraint and seclusion.

(2) Exclusions to Licensure:

(a) A licensed Children's Emergency Intervention Specialist is not authorized to order or receive orders for the use of mechanical or chemical restraint.

(b) A Children's Emergency Safety Intervention Specialist license is only valid while the licensee is employed or contracting to provide services with the psychiatric residential treatment services program that submitted the application on behalf of the licensee.

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Stats. Implemented: HB 2626

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### **309-034-0440**

#### **Application Process**

(1) Application for licensure as a Children's Emergency Safety Intervention Specialist shall be made to the Department and be on forms provided by the Department.

(2) Application for licensure shall be accompanied by a formal written request from a provider that is certified by the Department of Human Services to provide psychiatric residential treatment services for individuals under 21 years of age with which the applicant is employed or contracted.

The request must include:

- (a) Official transcript and supporting documentation as necessary showing the applicant meets qualifications established by rule for qualified mental health professional (QMHP);
- (b) Verification that an emergency safety intervention course approved by the Department has been successfully completed within the past 12 months;
- (c) Verification of certification in CPR and First Aid by a recognized training agency;
- (d) A signed Criminal Record Clearance Check form as described in OAR 309-018-0110 et seq. The Criminal Record Check form will request information regarding criminal history and out-of-state residency;
- (e) Verification of employment or contracted services with a provider that is certified by the Department of Human Services to provide psychiatric residential treatment services for individuals under 21 years of age;
- (f) A copy of the completed examination or evaluation the provider used to determine the applicant's competence to assess the psychological and physical well being of individuals under 21 years of age; and
- (g) A copy of the completed examination or evaluation the provider used to determine the applicants knowledge of the federal and state rules governing the use of restraint and seclusion in intensive mental health treatment programs for individuals under 21 years of age.

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### **309-034-0450**

#### **Issuance of a License**

- (1) The Department shall issue a license within 30 days of the submission of a completed application. The license shall state the name of the licensee, the provider, and expiration date.
- (2) The license shall be placed in the licensee's personnel file and be easily visible.
- (3) An initial license is valid from the time of issuance until the expiration date, which will be September 30th of the following calendar year.

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### **309-034-0460**

#### **Renewal and Expiration of License**

- (1) A license issued under these rules is subject to renewal every 2 years.

(a) All licenses will expire on September 30th. The issuance date of the licensee's first license will determine if the license expires on an odd or even year.

(b) At least 30 days prior to the expiration of a license, a reminder notice will be sent by the Department to the licensee and the provider.

(c) A licensee seeking renewal of a license shall have a provider with whom they are employed or contracted submit on their behalf:

(A) Proof of fulfillment of the following requirements;

(1) Verification of current certification in CPR and First aid by a recognized training agency;

(2) A copy of the evaluation completed within the last year of the applicants competence to assess the psychological and physical well-being of individuals under 21 years of age.

(3) A copy of the evaluation completed within the last year demonstrating the applicants knowledge of federal and state rules governing the use of restraint and seclusion in psychiatric residential treatment services programs for individuals under 21 years of age.

(B) Proof of continued employment or contract with a facility certified by the Department of Human Services to provide psychiatric residential treatment services for individuals under 21.

(2) A licensee may not continue to practice as a licensed Children's Emergency Safety Intervention Specialist after expiration of the license.

(3) A licensee may not continue to practice as a licensed Children's Emergency Safety Intervention Specialist upon discontinuation of employment or contract with the provider of psychiatric residential treatment services specified on the license.

(4) If the person's previous license has expired, the person must apply and qualify for a new license in the same manner as a person who has never been licensed.

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### **309-034-0470**

#### **Complaint**

(1) Any person who believes these rules have been violated may file a complaint with the Department.

(2) The Department shall establish a protocol for investigation of complaints and make that information available to anyone who files a complaint or has a

complaint filed against them. Following the Department's investigation of a complaint, the Department may take action to:

- (a) Dismiss the complaint;
- (b) Issue a letter of reprimand;
- (c) Direct the Provider to draft a plan of correction with the licensee; or
- (d) Institute disciplinary action.

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### **309-034-0480**

#### **Denial, Suspension, Revocation or Non-renewal of License**

(1) The Department may deny, suspend, revoke or refuse to issue or to renew any license issued under these rules upon proof that the applicant for licensure or the licensee:

- (a) Has been convicted of one or more crimes described in the Criminal Records Check OAR 309-018-0100 through 309-018-0190;
- (b) Is unable to perform the duties of a Children's Emergency Safety Intervention Specialist by reason of mental illness, physical illness, drug addiction or alcohol abuse;
- (c) Has been grossly negligent in the duties of a Children's Emergency Safety Intervention Specialist;
- (d) Has violated one or more of the rules of the Department pertaining to the licensure of a Children's Emergency Safety Intervention Specialist;
- (e) Has practiced outside the scope of activities for which the licensee has individual training and qualification; or
- (f) Has been disciplined by a state licensing board or program in this or any other state for violation of competency or conduct standards.

(2)(a) The Department may reprimand or impose probation on a licensee upon proof of any of the grounds for discipline provided in subsection (1) of this section.

(b) If the Department elects to place a licensee on probation, the Department may impose:

- (A) Restrictions on the scope of practice of the licensee;
- (B) Requirements for specific training;
- (C) Supervision of the practice of the licensee; or
- (D) Other conditions the Department finds necessary for the protection of the public.

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**309-034-0490**

**Appeal Process**

(1) An appeal of a denial, suspension, probation, or revocation of a license may be requested in writing to the Department from a provider of psychiatric residential treatment services for children under 21 years of age on behalf of their employee or contractor.

(2) Within 10 days of the receipt of the appeal, the Department administrator or designee shall review all material relating to the denial, suspension, revocation or non-renewal, including any written documentation submitted by the licensee and provider within that time frame. The administrator or designee shall determine, based on review of the material, whether to sustain the decision. If the administrator or designee does not sustain the decision, the denial, suspension, revocation or non-renewal shall be rescinded immediately. The decision of the administrator or designee is subject to a contested case hearing under ORS Chapter 183 if requested within 90 days.

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