

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES**

EFFECTIVE DATE: June 1, 2000

DATE ISSUED: May 30, 2000
(Rescinds Division Circular #18, "Behavior Management Committee" issued June 1, 1995)

I. TITLE: Behavior Management Committee

II. PURPOSE:

To establish policies for the operation of Behavior Management Committees.

III. SCOPE:

This circular applies to Division components, as well as private facilities licensed under N.J.A.C. 10:47 and provider agencies under contract with or regulated by the Division.

IV. POLICIES:

... Each developmental center and Community Services' Regional Office shall have a standing Behavior Management Committee.

... A provider agency under contract with or regulated by the Division may elect to use the Regional Behavior Management Committee or establish an internal Behavior Management Committee.

V. GENERAL STANDARDS:

A. Definitions - For purposes of this circular, the following terms shall have the meanings defined herein:

1. Behavior Management Committee - means a representative body of individuals who have clinical expertise and individuals who have administrative authority within the Division component or provider agency who review behavior plans and who make a judgment as to whether or not the plans are clinically/technically appropriate. Other behavior management issues may be referred to this committee. The committee acts as an advisory body to the CEO, Regional Administrator or Executive Director.

2. Chief Executive Officer - means the person having administrative authority and responsibility over a developmental center or private facility.
 3. Interdisciplinary Team (IDT) - refer to Division Circular #35.
 4. Executive Director - means the person having administrative authority over a private agency regulated by or under contract with the Division.
 5. Levels of Aversiveness - means the three categories of techniques (Levels I, II, and III) used to modify behavior, ranging from those that do not have any aversive components to severely aversive/restrictive techniques. These techniques are described in Division Circular #34.
 6. Regional Administrator - means the person having administrative authority and responsibility over a region of community services.
- B. The Behavior Management Committee shall review and make recommendations for approval, modification or disapproval of all behavior plans using Level III techniques. The CEO, Regional Administrator or Executive Director shall make the final decision and assume responsibility for whatever course of action is pursued. The CEO, Regional Administrator or Executive Director, however, shall document substantive reasons when proceeding against the advice and recommendation of the Behavior Management Committee.
- C. It is essential that each Behavior Management Committee be afforded an atmosphere respectful of its independence and objectivity as a review group.
- D. The members of the Behavior Management Committee shall consider all information received and deliberations of the committee to be confidential. The minutes of the meetings shall become part of the agency record and not part of the client record.
- E. There shall be no more than one third of the membership of the Behavior Management and Human Rights committees of a component or agency in common.
- F. A Behavior Management Committee shall consist of not less than 5 nor more than 15 members.

- G. For an agency or private facility with its own Behavior Management Committee, the Division Director or her/his designee may assign an observer who shall not be considered a voting committee member.
- H. The chairperson and the members of the Behavior Management Committee shall be appointed by the CEO, Regional Administrator or Executive Director.
- I. The Behavior Management Committee shall meet as frequently as needed.
- J. Attendance by at least fifty per cent of membership shall constitute a quorum.
- K. If any matter arises in committee deliberations which suggests a conflict of interest for a committee member, that member shall abstain from voting on that matter.

VI. PROCEDURES:

- A. General Committee Functions:
 - 1. The functions of the Behavior Management Committee shall include but not be limited to the following:
 - a. Act as a resource to the IDT.
 - b. Review all individual behavior plans involving Level III techniques and other behavior plans as referred. Judgment shall be made as to whether or not the plan(s) is/are clinically/technically appropriate and comply with the behavior manual approved in accordance with Division Circular #34.
 - c. If the committee requires clarification and/or modifications prior to making a recommendation, the chairperson shall communicate the additional requirements in writing to the referral source within thirty (30) days of the review.
 - d. If the committee does not receive the requested information within sixty (60) days of the initial request it shall recommend disapproval of the behavior plan as originally submitted to the CEO, Regional Administrator or Executive Director.

- e. Recommendations regarding approval/disapproval of individual behavior plans involving Level III techniques shall be made in writing to the CEO, Regional Administrator or Executive Director. If the plan is disapproved, the reason(s) shall be specified.
 - f. Complete a review by a member of the committee of all behavior plans utilizing Level III techniques at 30 day intervals for the first 90 days and at least every 90 days thereafter.
 - i. The chairperson shall assign individual members to be responsible for these reviews.
 - ii. The committee member assigned shall not be the author or implementor of the plan.
 - iii. The review shall be documented in the client record.
 - iv. Any questions on the part of the reviewer shall be referred to the full committee.
 - g. Review the use of psychotropic medication in developmental centers in accordance with Division Circular #21.
 - h. Review other issues involving behavior management as referred or noted through reviews.
2. The chairperson of the committee shall be responsible for:
- a. Scheduling regular or special meetings and establishing an agenda.
 - b. Appointing an acting chairperson in the chairperson's absence.
 - c. Chairing the meetings.
 - d. Seeing that minutes are recorded and transcribed.
 - e. Forwarding copies of minutes and other communications to the committee members and to the CEO or Regional Administrator or Executive Director.

- f. Notifying the referral source when the committee agrees that there is a need for further clarification or modification of a behavior plan under review.
3. If there is disagreement between committee members concerning the approval of the plan, the plan may be approved as long as there is no more than one dissenting member. If more than one committee member disagrees, the plan may not be approved.
- B. Use of Regional Committees by Provider Agencies:
1. The Executive Director shall establish a line of communication with the Regional Administrator of the appropriate Regional Office to facilitate case reviews.
 2. Any concerns with the general function of the committee shall be addressed between the Executive Director and the chairperson of the committee. If resolution does not occur, the matter shall be referred to the Regional Administrator.
- C. Agency Committees:
1. Any provider agency which intends to use Level III behavior management techniques shall indicate its intention to use its own Behavior Management Committee in its behavior manual.
 2. The agency may elect to offer a full voting membership to a Division employee.
 3. The manual shall indicate the composition of the committee.
 4. The Division Director or her/his designee may assign an observer who is not a voting committee member.
 - a. The observer shall be familiar with the agency, its manual and the general function of the committee.
 - b. Should the observer have concerns about the function of the committee, he/she shall bring those concerns to the Executive Director.
 - c. If the observer's concerns are not resolved, he/she shall report those concerns to his/her immediate supervisor for resolution.

5. Any change in membership shall be reported to the Regional Administrator within 30 days.
6. The provider agency shall be responsible to notify the Regional Office 5 working days in advance of a routine meeting. If an emergency meeting is needed, the Regional Office shall be notified by telephone.
7. The minutes of each committee meeting shall be available for review by persons authorized by the Division Director.
8. Committee members and observers shall receive copies of the minutes.

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