



3710 LANDMARK DRIVE, SUITE 208, COLUMBIA, SC 29204
(803) 782-0639; FAX (803) 790-1946
TOLL FREE IN SC: 1-866-275-7273 (VOICE) AND 1-866-232-4525 (TTY)
E-mail: info@pandasc.org
Website: www.pandasc.org

FACT SHEET

BEHAVIOR SUPPORT PLANS (BSPs) FOR CLIENTS OF SC DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (DDSN)¹

What is a Behavior Support Plan (BSP)?

BSPs are plans developed to support persons receiving services from DDSN who exhibit inappropriate behaviors. Inappropriate behaviors are actions that get in the way of a person's daily functioning or create a risk of harm to the individual, other people or their environment. Some inappropriate behaviors would be hitting, spitting, throwing things or running away. A BSP helps individuals understand why their behaviors take place and teaches new, more appropriate behaviors.

What does a BSP include?

- ✓ A functional assessment of the person, including:
 - A clear description of the behaviors to be addressed;
 - Events, locations and times that appear to cause the person's inappropriate behavior;
 - Identifying what functions the behavior serves for the person;
 - Direct observations of the behaviors;
 - A summary of the behaviors, the situations where they occur, and the factors that maintain them.

- ✓ The BSP also includes:
 - Information about the person, such as health, skills, strengths and weaknesses;
 - Definition of each inappropriate behavior;
 - Procedures to specifically address each inappropriate behavior and teach appropriate behavior;

¹ Behavior Support Plans, <http://www.state.sc.us/ddsn/policies/600-05-DD.pdf> (12/06)

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- Ways to measure progress towards each goal and type of data needed to show progress towards meeting goals;
- How the BSP will be reviewed. Data collected about the plan should be reviewed at least once a month.
- Signature of the person who prepared the BSP.

Who takes part in the BSP process?

- ✓ A professional staff person who meets DDSN standards for knowledge of behavior supports with input and participation from:
 - The consumer or parent/guardian;
 - Family members closely involved with the consumer;
 - Staff of the facility where the consumer lives;
 - Staff of the workshop or place of employment;
 - The Human Rights Committee, if required.

When is a Human Rights Committee (HRC)² required to review a BSP?

The HRC serving the consumer must review any BSP that includes:

- ✓ Planned restraints (mechanical or manual) to protect the consumer or staff from harm to ensure they are the least restrictive alternative to meet the individual's needs;
- ✓ Mechanical restraints used to prevent injury caused by inappropriate behavior (such as a soft helmet for head banging);
- ✓ Restrictive procedures that are not restraints (such as restriction to residence, denial of access to personal items such as television or CD players, or increased staffing levels);
- ✓ Medications used to address behavior, mood, thought processes or psychiatric symptoms (psychotropics). A physician **and** the Facility/Executive Director must approve the use of psychotropic medications before they are administered;
- ✓ Aversive consequences (procedures with startling, unpleasant or painful results). A physician **and** the DDSN State Director or designee must approve the use of aversive consequences before they are administered.

Are there some procedures that cannot be used as part of a BSP?

DDSN does not allow these procedures:

- ✓ Restrictive procedures, devices or medications used for disciplinary purposes, the convenience of the staff or as a substitute for treatment programming;
- ✓ Seclusion (placement of the person alone in a locked room);
- ✓ Enclosed cribs;
- ✓ Denial of a regularly scheduled meal or programs that result in a nutritionally inadequate diet;

² The DDSN Directive governing Human Rights Committees, 535-02-DD, is at <http://www.state.sc.us/ddsn/policies/535-02-DD.pdf> (12/06)

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- ✓ Using DDSN consumers to discipline other individuals with disabilities;
- ✓ Prone (face-down on the floor with arms folded under the chest) basket-hold restraint;
- ✓ Timeout rooms or aversive consequences (except through the Human Rights Committee and the State Director or designee's approval of any use of aversive consequences).

How often is a BSP reviewed?

A professional staff person who meets DDSN standards for knowledge of behavior supports must review the plan *at least monthly*. The HRC must review any plan including restrictive procedures *at least annually*.

What if the consumer and other members of the planning process cannot agree?

DDSN has two policies (directives) to resolve complaints: "Concerns of People Receiving Services: Reporting and Resolution"³ and "Internal Grievance/Appeal Procedures for Applicants and Services Recipients"⁴. The concern/complaint process is an informal way to resolve problems with services, supports, or programs operated or funded by DDSN, a DSN Board, or a contract provider.

If a person is not satisfied with the result of the concern/complaint process, s/he may file a grievance. A grievance may be filed about:

- ✓ The Single Plan or BSP;
- ✓ Programs, supports, and service placement decisions, including service termination or reduction;
- ✓ Restriction of personal freedoms and rights;
- ✓ Access to consumer files;
- ✓ Determination of a person's ability to give informed consent;
- ✓ Eligibility for DDSN services;
- ✓ Refusal of treatment services;
- ✓ Level of care determination; or
- ✓ Any other matter affecting the consumer's relationship to DDSN, a DSN Board or a contract provider.

DDSN should not take the appealed action until the appeal is resolved unless not taking the action would harm the consumer. For example, a person who started a fire could lose his or her lighter while the appeal is going on.

If the disagreement is about a rights issue, such as the use of a type of restraint, the matter would go through the appropriate Human Rights Committee. If the consumer receives Medicaid, and Medicaid services are being denied, s/he may be able to file an appeal with the South Carolina Department of Health and Human Services.

³ <http://www.state.sc.us/ddsn/policies/535-08-DD.pdf> (12/06)

⁴ <http://www.state.sc.us/ddsn/policies/535-11-DD.pdf> (12/06)

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This publication provides legal information, but is not intended to be legal advice. The information was based on the law at the time it was written. As the law may change, please contact P&A for updates.

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