



Minnesota Department of **Human Services**

Rule 40 Advisory Committee Meeting Summary: 3.5.12

Attending:

Committee members:

Steven Anderson, Sheryl Grassie, Kay Hendrikson, Anne Henry, Patricia Kuehn, Traci Lisowski, Tim Moore, Leanne Negley, Shamus O'Meara, Andrew Pietsch, Dan Reed, Kelly Ruiz, Bonnie Jean Smith, Gloria Steinbring and Colleen Wieck.

Others:

Alex Bartolic, Bruce Biddlecome, Barbara Case, Donovan Chandler, Lori Dablow, Gail Dekker, Katherine Finlayson, Dan Hohmann, Bob Klukas, Natalie Marr, Michelle Ness, Lorraine Pierce, Dean Ritzman, Deb Siebenaler, Michael Tessneer, Munna Yasiri, Rick Cardenas, Charles Young, Barb Kleist, Anne Roehl and Suzanne Todnem.

Committee Charge The Rule 40 Advisory Committee was formed as part of a settlement agreement. The committee will study, review and advise the Department of Human Services on how to modernize Rule 40 to reflect current best practices. This was the second meeting of the Rule 40 Advisory Committee, which met from 9:00 a.m. to 3:30 p.m.

Informational Presentations The Committee listened to informational presentations about current regulations and policies on the use of restraints in other areas such as the Adult Mental Health Division, the Alcohol and Drug Abuse Division, the Department of Education and the Department of Health.

Other presentations included:

- whether a rule revision was necessary,
- other transformation initiatives and requirements the Department must meet as determined by the Centers for Medicare and Medicaid Services,
- the current Rule 40,
- a walk-through of the settlement agreement and
- a presentation on Positive Practices.

Survey The Department presented a draft survey to the Committee that it will send out to providers based on the Committee's previous request for data on the current application of Rule 40. The Committee offered many helpful suggestions including: clarifying the length of time that the survey uses (e.g., one day, one month, three months, etc.), how will we obtain cooperation from providers to submit the survey, how many "Rule 40 plans" have terminated for clients who are still with the provider, the frequency of survey administration, the use of police department interventions and crisis service use.

Work The Committee was asked to weigh in on the committee's work in the future in terms of whether the committee will work in small groups on topics or work as a whole group on each of the topics. Both opinions were voiced.

One Committee member requested an outside speaker to come in and present on what behaviors require aversive procedures or when is positive behavior support not effective.

Miscellaneous Some overarching concerns include the Adult Mental Health Division's concern about how psychotropic medications are viewed and used in the developmental disability world versus how they are viewed and used in the mental health world and in particular, when working with an individual with a dual diagnosis.

As always, if members or observers have questions, please email them to the Rule 40 email box at:

DHS.rule40@state.mn.us