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600 ~~RESTITUTION~~ TRAINING

EFFECTIVE DATE: TBD
REFERENCES: A.A.C. R6-6-906.

PURPOSE

This policy outlines training requirements with respect to Article 9 and Prevention and Support.

POLICY

A. ARTICLE 9 TRAINING REQUIREMENTS

1. Service Providers shall ensure all direct support professionals, managers, and supervisors of direct support professionals successfully complete Article 9 training.
2. The Division shall ensure that all Division employees successfully complete Article 9 training.
3. All Article 9 training shall be taught by a Division-approved certified Article 9 Instructor.
4. Article 9 Trainers shall only provide Article 9 as an in-person and instructor-led training in a live classroom environment, to include virtual settings.

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26 5. The Division and Service Providers shall ensure that Article 9
27 training is completed by employees required by this policy to be
28 trained in Article 9 as follows:
- 29 a. Initially within 90 calendar days of an employee being
30 hired or before the employee works directly without
31 supervision from an individual with a current certification
32 in Article 9 with Members, whichever is earlier; and
- 33 b. Recertified as directed by the Division but not to exceed
34 three years.
- 35 6. The Division shall ensure that Article 9 training includes:
- 36 a. The requirements, restrictions, and purpose of Article 9;
37 b. Intervention strategies, including those described in Article
38 9;
39 c. Legally mandated Members' rights;
40 d. Confidentiality requirements;
41 e. Abuse and Neglect; and
42 f. Division policies and procedures relating to Article 9.

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47 **B. PREVENTION AND SUPPORT TRAINING REQUIREMENTS**

- 48 1. The Division shall require Prevention and Support training and
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51 certification to be taken by all staff and providers providing
52 direct care to Members who may exhibit Unsafe Behaviors as
53 documented in the Member’s Planning Document and the
54 Member’s Behavior Plan.
- 55 2. All Prevention and Support training shall be taught by a
56 Division-approved certified Prevention and Support Instructor.
- 57 3. The Division and Service Providers shall ensure that Prevention
58 and Support training is completed by employees required by this
59 policy to be trained in Prevention and Support as follows:
- 60 a. Initially within 90 calendar days of an employee being
61 hired or before the employee works directly without
62 supervision from an individual with a current certification
63 in Prevention and Support with Members, whichever is
64 earlier; and
- 65 b. Recertified as directed by the Division but not to exceed
66 three years.
- 67 4. The Prevention and Support trainer providing Prevention and
68 Support training shall include instruction on the use of specific
69 Physical Intervention techniques to be implemented by staff and
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71 providers during an Emergency Safety Situation to include
72 hands-on application and competency testing.
- 73 5. Prevention and Support trainers shall ensure trainings provide
74 the following requirements:
- 75 a. Use the least amount of Physical Intervention necessary to
76 safely manage an Emergency Safety Situation;
- 77 b. Physical Intervention is to be used only when less
78 restrictive methods are unsuccessful or are inappropriate;
- 79 c. Physical Intervention is to be used only when necessary to
80 prevent the risk of serious harm or injury to the Member
81 or others; and
- 82 d. Physical Intervention techniques implemented during the
83 Emergency Safety Situation are to be used for the least
84 amount of time necessary to create safety.

85 **C. ARTICLE 9 INSTRUCTOR TRAINING REQUIREMENTS**

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87 1. The Division shall require successful completion of a
88 Division-approved Article 9 Instructor Clinic conducted by a Lead
89 Instructor from the Article 9/Prevention and Support Lead
90 Advisory Committee for anyone to become an Article 9 trainer.
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93 2. Article 9 trainers shall maintain compliance with the Article 9
94 Instructor Responsibilities and Requirements located in
95 DDD-1691A.

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97 **D. PREVENTION AND SUPPORT INSTRUCTOR TRAINING**
98 **REQUIREMENTS**

- 99 1. The Division shall require the following for anyone to become a
100 Prevention and Support Trainer: successful completion of a
101 Division-approved Prevention and Support Instructor Clinic
102 conducted by a Lead Instructor from the Article 9/Prevention and
103 Support Lead Advisory Committee for anyone to become a
104 Prevention and Support trainer;
- 105 2. Prevention and Support trainers shall maintain compliance with
106 the Prevention and Support Instructor Responsibilities and
107 Requirements located in DDD-1693A.

108 **E. TRAINING DOCUMENTATION REQUIREMENTS**

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110 1. Certified Instructors shall maintain training rosters and
111 completed assessments of direct care staff for three years.
- 112 2. Certified Instructors shall submit completed training rosters to
113 the Division within 30 days.

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115 3. The Division shall maintain training documents related to Article
116 9 and Prevention and Support for a minimum of five years or as
117 required by Records Retention policy.

118 **Restitution**

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120 ~~A. Means the act of paying or compensating for property loss or damage~~
121 ~~in order to learn alternative behaviors;~~

122 ~~B. Does not include voluntary compensation by a parent or guardian; and~~

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124 ~~C. May not infringe on an individual's rights protected by A.R.S. §~~
125 ~~36-551.~~

126 ~~Providers are required to have insurance to cover property loss or damage.~~

127 ~~If a member damages the property of another, the injured party may have a~~
128 ~~legal remedy in the small claims division of the Justice Courts.~~

129 ~~The Division and its contracted providers cannot make restitution a condition~~
130 ~~for provision of services or supports. A Member's Behaviors cannot prevent~~
131 ~~that member from receiving services through the Division.~~

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133 Behaviors that result in property damage or loss should be addressed by the
134 Planning Team.
- 135 A. Behavior Plans may include some level of restitution so long as all of
136 the following are met:
- 137 1. The member's behavior support plan includes the use of
138 restitution, and has been approved by the planning team,
139 including the member and/or family member/guardian and
140 treating behavioral health professional if applicable;
 - 141 2. The restitution furthers a goal identified and is individualized in a
142 member's behavior plan;
 - 143 3. The member has an understanding of the restitution plan and
144 purpose so that the member can accept their responsibility and
145 learn;
 - 146 4. The behavior plan was implemented as written;
 - 147 5. The team establishes the restitution amount only after
148 consideration of the member's resources and determination that
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151 ~~the member's needs will not be adversely impacted by the~~
152 ~~payment amount, including that the amount will not adversely~~
153 ~~impact the member's ability to pay for other items or activities~~
154 ~~that are necessary to further other plan goals;~~

155 ~~6. An invoice and explanation of the cost for each restitution~~
156 ~~payment is reviewed and approved by the planning team before~~
157 ~~each restitution payment is made.~~

Draft Policy for Public Comment