Ohio | Department of Developmental Disabilities

Division of Legal and Oversight
John R. Kasich, Governor
John L. Martin, Director

To: County Board Superintendents, SSA Directors, COG Directors, Providers, OPRA, and OACB

From: Kelly Miller, Assistant Deputy Director, Office of Provider Standards and Review
Scott Phillips, Assistant Deputy Director, MUI/Registry Unit SP KM

Date: August 27, 2013

Re: The use of banned prone restraints

The purpose of this transmittal is to inform you that effective September 3, 2013 the use of a prone restraint will be considered an allegation of physical abuse and not as an unapproved behavior support. As you are aware, prone restraints were banned in Ohio effective March 5, 2009 because their use was determined to place individuals with disabilities at a high risk for serious injury and even death.

Placing individuals in a prone position is a potentially fatal maneuver which reduces a person's ability to breath. The dangers of restraint-related positional asphyxia are well documented. The use of this banned restraint can reasonably be expected *to result in physical harm or serious physical harm* which is defined as "Physical Abuse" in section 2901.01. Should any individual place themselves in a prone position while in a restraint, those applying the restraint shall release the hold and/or any pressure that was being applied immediately to prevent the application of a prone restraint.

Reports of the use of prone restraints will be filed as allegations of physical abuse and investigated in accordance with the Major Unusual Incident Rule (Ohio Administrative Code 5123:2:17-02).

Any provider reported to use a prone restraint will be required to provide documentation to their County Board on how they have addressed the use of this banned technique. This information will be incorporated into the prevention plan for the MUI. Upon recommended for closure, the investigation and prevention plan will be reviewed by the Department prior to closing the case. Failure to submit information to the County Board or any further use of this type of intervention may lead to further action by the Department. For questions or assistance, please contact behavior.support@list.dodd.ohio.gov or call (614) 466-6670.

Thank you for your immediate attention to this matter.

c: John Martin, Director, DODD
DD Deputy Directors
Bridget Gargan, Executive Director, OACB
Mark Davis, Executive Director, OPRA
Michael Kirkman, Executive Director, Disability Rights Ohio
Gary Tonks, Executive Director, The Arc of Ohio
Karla Rinto, Executive Director, APSI
Sadie Hunter, Executive Director, People First
DD DC Superintendents

1800 Sullivant Avenue
Columbus, Ohio 43222
dodd.ohio.gov

(614)995-3810 (Phone)
(614)995-3822 (Fax)
(866)313-6733 (Hotline)