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Overview

The positive support strategies and restrictive interventions rules (positive supports rule, “PSR”), Minnesota Rules, chapter 9544, apply to home and community based services and all DHS licensed entities serving persons with developmental disabilities or related conditions, including child care centers and licensed family child care programs. The PSR became effective in August 2015, after a federal class action lawsuit and settlement agreement relating to a DHS facility, which, along with section 245.8251, required DHS to modernize certain practices.

Under the PSR, providers must use strengths-based, individualized strategies that emphasize teaching a child with developmental disabilities in their care productive and self-determined skills or alternative strategies and behaviors, rather than punitive practices such as seclusion and restraint. Child care providers must comply with the rules if they serve a child who qualifies for developmental disability case management, or a child with a developmental disability or related condition, defined in Minnesota Rules, part 9525.0016, subpart 2. Before enrolling an eligible child, a child care provider must:

- participate in all required PSR training (part 9544.0090); and
- develop an emergency use of manual restraint policy (part 9544.0070).

A child care provider who enrolls an eligible child must, in addition to following the regulations for special needs child care, develop an individual child care program plan (which includes PSR information). PSR strategies must be reviewed

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every six months, and providers must provide the following for all eligible children:

- Documentation of general positive support strategies and activities (except family child care providers)
- Incident reporting with the behavior intervention report form
- Functional behavioral assessments (part 9544.0040)
- A positive support transition plan, if the child has been subjected to three incidents of emergency use of manual restraint within the last 90 days, or four incidents of emergency use of manual restraint within the last 180 days

This bill, if enacted, would exempt licensed family child care programs and licensed child care centers from all PSR requirements.

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- 1 Exemption from positive support strategies requirements.** Licensed family day care programs, licensed group family day care facilities, and licensed child care centers are exempt from Minnesota Rules, chapter 9544, the positive supports rule.