

# STATE OF NEW YORK

11055--A

## IN ASSEMBLY

May 2, 2006

Introduced by M. of A. PAULIN, ROBINSON, FIELDS, GALEF, GUNTHER, LAFAYETTE, LAVELLE, LAVINE, MILLMAN, P. RIVERA, ZEBROWSKI -- Multi-Sponsored by -- M. of A. GORDON, GOTTFRIED, GREEN, KOON, WEISENBERG, WRIGHT -- read once and referred to the Committee on Social Services -- reference changed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to establishing a restraint and crisis intervention technique committee and coordinated inter-agency standards

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The social services law is amended by adding a new section  
2 483-e to read as follows:  
3 § 483-e. Restraint and crisis intervention technique committee. 1.  
4 Committee established. There is hereby established within the council a  
5 restraint and crisis intervention technique committee comprised of the  
6 commissioner of children and family services, the commissioner of mental  
7 health, the commissioner of mental retardation and developmental disa-  
8 bilities, the commissioner of education and the commissioner of health.  
9 The committee shall include at least two representatives of statewide  
10 and regional provider organizations that represent providers of educa-  
11 tional and residential services to children, at least two mental health  
12 professionals who provide direct care on a regular basis to children  
13 served by the program types provided in subdivision two of this section  
14 and at least one representative of parents of children requiring special  
15 services.  
16 2. Establishment of coordinated standards. The committee shall identi-  
17 fy the most effective, least restrictive and safest techniques for the  
18 modification of a child's behavior in response to an actual or perceived  
19 threat by such child of harm or bodily injury to such child, or to  
20 another person, where such child is a resident of, or otherwise served  
21 by a residential treatment facility, a children's day treatment program,  
22 a family based treatment home, a community residence, an individualized

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 residential alternative, a family care home, day habilitation, day  
2 treatment, an intermediary care facility, residential habilitation, an  
3 agency operated boarding home, an approved private residential school or  
4 an approved private non-residential school. Such techniques shall  
5 include, but not be limited to, the use of physical restraint, therapeutic  
6 crisis intervention, crisis management or such other de-escalation  
7 techniques designed to help staff assist children to manage crisis situ-  
8 ations. The committee shall review models of crisis prevention and  
9 intervention, including the use of physical restraints. The committee  
10 shall establish uniform and coordinated standards giving preference to  
11 the least restrictive alternative for the use of such techniques in such  
12 children service settings.

13 3. Recommendations and report. The committee shall develop additional  
14 recommendations regarding crisis intervention as it deems appropriate  
15 including, but not limited to, appropriate staffing patterns to safely  
16 implement such techniques, specific training curriculum and regulatory  
17 amendments governing the oversight of staff training efforts implemented  
18 by the commissioners. Such recommendations, together with proposed regu-  
19 lations relating thereto, shall be included in a report submitted to the  
20 governor and the legislature no later than September first, two thousand  
21 seven.

22 § 2. This act shall take effect on the one hundred twentieth day after  
23 it shall have become a law.

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**NEW YORK STATE ASSEMBLY**  
**MEMORANDUM IN SUPPORT OF LEGISLATION**  
**submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A11055A

**SPONSOR:** Paulin (MS)

**TITLE OF BILL:** An act to amend the social services law, in relation to establishing a restraint and crisis intervention technique committee and coordinated inter-agency standards

**PURPOSE OR GENERAL IDEA OF BILL:**

To form a restraint and crisis intervention technique committee and have such committee develop the most effective, least restrictive and safest techniques for the modification of a child's behavior and subsequently establish uniform and coordinated standards for de-escalation techniques that will be used to help all children better manage crisis situations, no matter through what agency a child is placed.

**SUMMARY OF SPECIFIC PROVISIONS:**

Section one amends the social services law by adding a new section 483-e that provides for the development of a restraint and crisis intervention technique committee. The committee shall be comprised of the commissioner of children and family services, the commissioner of mental health, the commissioner of mental retardation and developmental disabilities, the commissioner of education and the commissioner of health. Additionally, the committee shall include at least two representatives of

statewide and regional organizations that provide educational and residential services to children, at least two mental health professionals who provide direct care on a regular basis to children served by the program types provided in subdivision two of this section, as well as at least one representative of parents of children requiring special services. Section one also provides guidelines for the establishment of coordinated standards to be used for the modification of a child's behavior in response to an actual or perceived threat by a child of harm or bodily injury to such child or another person. The committee shall establish uniform and coordinated standards that give preference to the least restrictive alternative for the use of de-escalation techniques. The committee shall develop recommendations, together with proposed regulations, included in a report to be submitted to the governor and the legislature no later than September first, two thousand seven.

Section two provides the effective date.

**JUSTIFICATION:**

Children are referred to the same programs from different agencies - for instance, SED, OCFS, and OMRDD - and each agency has its own procedures for crisis intervention. It is difficult for staff working in a program to know, in a time of crisis, which child is from which agency and, therefore, which crisis intervention procedure to execute. The goal of this legislation is to have a committee develop coordinated standards for de-escalation techniques that will be used to help all children better manage crisis situations, no matter through what agency a child is placed. The committee shall then submit a report to the governor and the legislature, together with proposed regulations, no later than September 1, 2007.

**PRIOR LEGISLATIVE HISTORY:**

This is a new bill.

**FISCAL IMPLICATION:**

None to the state.

**EFFECTIVE DATE:**

This act shall take effect on the one hundred twentieth day after it shall have become a law.

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