



STATE OF MICHIGAN
**Department of
Human Services**

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Memo

Bureau of Children and Adult Licensing

To: Directors, Child Caring Institutions

Date: December 27, 2012

From: James B. Gale, Director *James B. Gale*
Bureau of Children and Adult Licensing

Subject: CCI Letter 2012-02
Reporting Seclusion and Restraint

On May, 29, 2012, a letter was distributed to all licensed child caring institutions (CCI) regarding the requirements to report the use of restraint and seclusion in the JJOLT system. This reporting is a requirement of Section XI.B.1 of the Modified Settlement Agreement (MSA). In addition to the MSA requirement, the department is using the information reported to identify methods to reduce the use of restraint and seclusion in all facilities through the identification of best practices. All CCIs are required to enter data into this data base, even if the facility is not specifically covered in the MSA. This letter is a follow up to the earlier letter to clarify expectations regarding reporting, to provide a better explanation of the process, and to identify problems that have been identified since the reporting into JJOLT began.

The staff from Division of Continuous Quality Improvement (DCQI) pull information from JJOLT on a monthly basis for review. The information for seclusion and restraint is reviewed to look for trends, to determine if there are patterns related to either seclusion or restraint, to identify best practices, and to make the required reports to the MSA monitors. In reviewing the data, the following problems have been noted:

- Timeliness of entries. As analysts are going back to review information, new data is being entered as much as 2 or 3 months after the events occur.
- The recipient ID number from Medicaid is not being entered. When this number is entered into the data base, much of the information on the youth is pre-populated into the form. This makes data entry easier for the CCI and assists in ensuring that there are less data entry errors.
- When entering information about the youth, the name of the supervising agency is not the CCI. The supervising agency is the child placing agency (either public or private) responsible for the youth's case OR the court that retains responsibility for the youth OR identify Adoption Subsidy if the youth has been placed by the adoptive parent under the Adoption Subsidy program.

- The narrative section on the form frequently does not contain sufficient information regarding the incident. Stating that “NVCI was used” or similar language is not adequate. The narrative should identify the reason for the restraint or seclusion, steps taken to avoid the restraint or seclusion when possible, and the plan for avoiding future uses of restraint or seclusion.
- Reports documenting incidents of seclusion often appear to be submitted only when a youth has been confined to a locked seclusion room. The definition of seclusion is “the involuntary placement of a minor child in a room alone, where the minor child is prevented from exiting by any means, including the physical presence of a staff person if the sole purpose of the staff person’s presence is to prevent the minor child from exiting the room.” If a youth is sent to a room or escorted to a room and is not allowed to leave, this is to be reported as seclusion, regardless of whether the room is locked.
- Some narrative sections related to seclusion appear to involve both restraint and a resulting seclusion, however only the seclusion is reported. If a restraint is used and subsequently results in seclusion, both restraint and seclusion are to be reported.

Seclusion and Restraint

Reporting Process for CCI Staff

- An incident of seclusion or restraint occurs in a CCI.
- CCI staff person completes the Corporal Punishment, Seclusion, or Restraint Notification form in JJOLT within 24 hours, or the next business day, after the event ends.
- An E-mail notification is generated from JJOLT to DCQI and the DHS foster care worker with case management responsibility. A link to the notification form is attached to the email.
- An automated summary report is generated on a monthly basis.
- A sample of the corporal punishment and restraint notification forms, all seclusion forms, and the monthly summary reports will be reviewed by DCQI and BCAL. The focus of the reviews will vary on a rotating basis. The focus may be on times of day that incidents occur, names of youth that show up repeatedly, names of staff that show up repeatedly, locations within facilities that show up frequently, etc.
- BCAL, as a part of provider monitoring, may review individual cases for purposes of program consultation or assessment of compliance.
- BCAL will review a sample of restraint and seclusion incidents during the routine annual on-site agency review.

If You Have Questions

If you have questions related to when you are required to report incidents of seclusion or restraint, please contact your facility’s assigned BCAL consultant for clarification.

If you have questions related to accessing the JJOLT system or finding the tabs required for reporting, please contact the JJOLT Helpdesk: Keith Young at YoungK2@michigan.gov or (517) 373-0337.

If you have questions related to how to complete the notification form or the process involved please contact DCQI staff:

Jeffrey Washburn at WashburnJ2@michigan.gov (517) 492-7299 or
Jeffrey Bimer at BimerJ@michigan.gov (517) 574-2060

OR BCAL staff:

Carol Slotke at SlotkeC1@michigan.gov (517) 241-1681.