



COMMISSIONER
Chris Traylor

June 30, 2011

To: Home and Community-based Services (HCS) Providers
Texas Home Living (TxHmL) Providers

Subject: Information Letter No. 11-47 - Use of Medication as an Intrusive Behavior Management Intervention or Technique

The purpose of this letter is to clarify situations when the use of a medication for an individual by an HCS or TxHmL provider is an intrusive intervention or technique, and requires implementation of a behavior support plan.

Texas Administrative Code (TAC) Title 40, §9.178(v), requires an HCS program provider to comply with the provisions in subsection (v), which include developing a behavior support plan, if the program provider determines "that an individual's behavior may require the implementation of behavior management techniques involving intrusive interventions or restriction of the individual's rights." DADS rule at 40 TAC §9.580(p) requires a TxHmL program provider to comply with the provisions in subsection (p) if "a behavioral support plan includes techniques that involve restriction of individual rights or intrusive techniques."

The use of medication is an intrusive intervention or technique if the medication is prescribed:

- for the sole purpose of controlling behavioral events (for example, a medication to reduce episodes of physical or verbal aggression, explosive or combative behavior or self injurious behavior);
- as needed, to manage an outburst; or
- to treat a medical condition, with an elevated dose to control undesired behavior.

If an HCS or TxHmL program provider uses medication to control an individual's behavioral events, as described above, the use of that medication is an intrusive intervention or technique and the program provider must comply with 40 TAC §9.178(v) or 40 TAC §9.580(p).

In contrast, a medication prescribed for an individual by a medical practitioner for the treatment of a documented diagnosis of a psychotic, mood or anxiety disorder that would alter the perception, mood, consciousness or cognition of the individual, including a medication to treat depression or decrease hallucinations, is not an intrusive behavior management intervention or technique.

If you have any questions or need additional information regarding the information in this letter, please contact the DADS Regulatory Services Waiver Survey & Certification unit at (512) 438-4163.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services