

Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy	Policy Number: MS-003
Supersedes: New Policy	
Policy Title: Medical Immobilization/Protective Stabilization and Pre-sedation Policy	
Effective Date: 8-01-08	
Approved: Signature on File	Date: 6-30-08

I. PURPOSE

The purpose of this policy is to clarify our deference to Health Care Professionals (licensed medical and dental professionals), individuals and health care decision makers decisions regarding the use of medical immobilization/protective stabilization or pre-sedation before or during medical or dental procedures for individuals receiving services through the Developmental Disabilities (DD) Waiver Program or the DD Adult State General funded residential or day services. The Department of Health and the Developmental Disabilities Supports Division rely on each Health Care Professional’s judgement with the understanding that the Professional meets recognized standards of care for their areas of practice. Should the Department become aware of a Health Care Professional that is practicing outside recognized standards of care, the Department will take action appropriate to address the circumstances.

II. POLICY STATEMENTS

- A. It is the policy of the New Mexico Department of Health, Developmental Disabilities Supports Division (DDSD) to defer to licensed medical and dental professional’s judgement in determining when to use medical immobilization/protective stabilization or pre-sedation before or during medical or dental procedures. Based on their professional judgment and training, Health Care Professionals will utilize medical immobilization/protective stabilization or pre-sedation that is specific to the individual’s needs and treatment or procedural demands. The medical or dental professional is responsible for obtaining any needed consent(s) from the individual or their parent/guardian/healthcare decision maker.
- B. It is the policy of DDSD that medical and dental orders for medical immobilization/protective stabilization or pre-sedation will not be reviewed by the Human Rights Committee of the supporting agency.
- C. It is the policy of DDSD that pre-sedation medications ordered by Health Care Professionals must be delivered according to the DDSD Medication Assessment and Delivery Policy and Procedure.

III. APPLICABILITY

This policy applies to all DDS staff, DOH contractors, medical or dental professionals and any other entity accepting Medicaid Waiver reimbursements for individuals who receive services through the Developmental Disabilities (DD) Waiver Program or the DD Adult State General Funded residential or day services.

IV. DEFINITIONS

Agent: Means an individual designated in a power of attorney for health care to make health care decisions for the individual granting the power.

Guardian: Means a judicially appointed guardian having authority to make health care decisions for the individual.

Health Care Decision Maker: Means a person authorized to make health care decisions for themselves or someone else. In the case of an individual with a developmental disability who does not have a guardian or power of attorney for health care decisions and has not been determined to lack decisional capacity, then they are their own health care decision maker. If the individual has been determined by a qualified health professional to lack decisional capacity, the individual may have a judicially appointed guardian or a surrogate appointed under provisions of the Uniform Health Care Decisions Act (UHDA), NMSA 1978 Section 24-7A-5.

Health Care Professionals: Means a licensed medical or dental professional.

Human Rights Committee: Means a committee that is required for residential service provider agencies. The purpose of this type of committee with respect to the provision of Behavior Supports is to review and monitor the implementation of certain Behavior Support Plans. A Human Rights Committee may also serve other agency functions as appropriate, such as the review of internal policies on sexuality and incident management follow-up.

Medical Immobilization/Protective Stabilization: Means a physical device or method used during medical or dental procedures that supports self-control and minimizes involuntary reactions that may cause injury to the individual or to health care professionals.

Power of Attorney for Health Care: Means the designation of an agent to make health care decisions for the individual granting the power.

Pre-sedation: Means a medication ordered by a Health Care Profession that is intended to decrease anxiety or stress before a medical or dental procedure.

Surrogate: Means an individual, other than an individual's agent or guardian, authorized under the Uniform Health Care Decisions Act to make health-care decisions.

Uniform Health Care Decision Act (NMSA 1978 Section 24-7A-05): Means an act that specifically addresses the use of surrogates and indicates that in the absence of a designated health care decision maker or if the designee is not reasonably available, any member of the individual's family who is reasonably available may act as a surrogate in the following order: (1) spouse (unless legally separated); (2) individual in a long term relationship with the individual (as long as that individual is not paid as a caregiver for the individual); (3) adult child; (4) parent; (5) adult brother/sister; or (6) grandparent.

V. REFERENCES

DDSD Aversive Intervention Prohibition Policy

DDSD Behavior Supports Service Provision Policy

DDSD Crisis Prevention/Intervention Plan Policy

DDSD Human Rights Committee Requirements Policy

DDSD Psychotropic Medication Use Policy

DDSD Medication Assessment and Delivery Policy and Procedure

Clinical guideline on management of persons with special health care needs. American Academy of Pediatric Dentistry. Clinical guideline on management of persons with special health care needs. Chicago (IL): American Academy of Pediatric Dentistry; 2004.