


0New Mexico Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy	Policy Number: S-001a Supersedes: S-001 Support for Individuals With Intellectual/Developmental Disabilities (I/DD) Who Exhibit or Have Exhibited Sexually Inappropriate/Offending Behavior Policy 12/13/06
Policy Title: Support for Individuals with Intellectual/Developmental Disabilities Who Exhibit or Have Exhibited Risk Factors for Sexually Inappropriate or Offending Behavior Policy	
Effective Date: November 24, 2008	
Approved: 	Date: 11-24-08

I. PURPOSE

The purpose of this policy, as part of a comprehensive integrated system of sexuality services, is to assure that effective supports are provided for individuals with intellectual/developmental disabilities (I/DD) who exhibit or have a history of exhibiting risk factors for sexually inappropriate or offending behavior.

II. POLICY STATEMENT

It is the policy of the Developmental Disabilities Supports Division (DDSD) that individuals with I/DD with risk factors for sexually inappropriate or offending behavior are identified by the Interdisciplinary Team (IDT), Office of Behavioral Services (OBS) staff, Developmental Disabilities Waiver (DD Waiver) and State General Fund (SGF) provider agency staff and/or other entity, and then provided with an assessment of risk by qualified individuals, planning and implementation of services based on assessment of risk and monitoring of progress to ensure effective support and community safety.

III. APPLICABILITY

This policy applies to Interdisciplinary Team (IDT) members, DDSD staff, and Developmental Disabilities Waiver (DD Waiver) and State General Fund (SGF) provider agency staff supporting adults with Developmental Disabilities participating in SGF or DD Waiver services on the DD Waiver or SGF programs.

IV. DEFINITIONS

Behavior Support Consultant: Means a licensed professional approved by DDSD Office of Behavioral Services to provide Behavioral Support Consultation services as defined in the DD Waiver Service Definitions and Standards.

Comprehensive Integrated System of Sexuality Services: Means a multi-component system that provides services to address the socialization and sexuality skills and supports needed for individuals with I/DD to live safely in the community and to obtain and keep jobs and form relationships, including intimate ones.

Documentation: Means a consultation note, report or other written record of the results of the Preliminary Risk Screening or of a referral to a licensed professional.

History: Means an incident of sexually inappropriate and/or offending behavior where there are previous records, verbal reports or other sources of information.

Individual: Means, for the purpose of this policy, a person with a developmental disability over the age of 18 years.

Individual Service Plan (ISP): Means a plan developed by an individual, a group of natural supports and professionals (Interdisciplinary Team) that includes information about history, current status, health needs, long term vision and outcomes of each individual receiving services funded through the Developmental Disabilities Supports Division.

Interdisciplinary Team (IDT): Means a group of support professionals, natural supports, medical supports and the Individual in services that develops the ISP and addresses all planning on behalf of the individual and addresses any emergent needs.

Licensed professional: Means a therapist, doctor, nurse, psychologist, counselor, social worker, pharmacist or other professional holding a license from a New Mexico Licensing Board or other state or nationally recognized licensing board.

Other entities: Means individuals who are representatives of organizations that may provide notification that a criminal sexual act has been committed (e.g., courts, law enforcement) or may have witnessed or had reported to them that an individual has engaged or has the intent to engage in risky sexual behavior (e.g., mental health professionals, mental hospitals).

Positive Behavior Supports Plan (PBSP): Means a supportive set of interventions tailored to the identified needs of the individual; the plan represents a holistic approach to providing positive supports interventions to the individual via his or her IDT.

Preliminary Risk Screening: Means a consultative interview of an individual who has a recent incident or history of engaging in sexually inappropriate and/or offending behavior. The screening is used to identify and assess risk factors for re-offending behaviors, to determine whether further assessment is warranted and to identify educational and risk management strategies.

Psychosexual Evaluation: Means a comprehensive psychological assessment conducted when there is a confirmed instance of sexually offending behavior, a conviction for sexually offending behavior or where there are quality of life issues due to restrictions imposed to manage sexually offending behavior (e.g., inability to find employment or participate in activities valued by the individual). The purpose is to evaluate the risk of re-offending, the degree of danger to others and self, and to make appropriate treatment recommendations. A psychosexual evaluation usually includes specialized psychological testing and a detailed history focusing on criminal, sexual and family history. Outcomes could include recommendations about the effectiveness of the current level of supervision, educational and risk management strategies and treatment strategies to reduce the impact of restrictions on quality of life.

Refer/Referral: Means the process through which the OBS is notified that an individual is at risk for sexually inappropriate behavior for the purpose of initiating technical assistance.

Risk Assessment: Means an evaluation performed by a licensed professional when a person has a recent incident or a previous history of engaging in sexually inappropriate and/or offending behavior or where supervision had to be increased due to these behaviors. The purpose of a risk assessment is to determine the risk of re-offending, to determine the preferred victim type, to determine the circumstances that would increase risk and to make recommendations to the IDT members regarding risk management strategies.

Risk Factors: Means a set of internal stimuli or external circumstances that triggers an individual's loss of self-control and increases the risk for re-offending or reoccurrence of the sexually inappropriate behavior.

Risk Management: Means strategies and supervision used to reduce or mitigate risk presented by a person who exhibits or has exhibited sexually inappropriate and/or offending behavior.

Risk Management Plan: Means a supplement to the PBSA that describes a supportive set of interventions designed to increase manageability of risk based on the outcomes of a preliminary risk screening or other assessment of risk.

Self-Management of Risk: Means skills that an individual may learn to enable him or her to self-manage exposure and response to events and conditions that elicit sexually inappropriate/offending behavior. Consistent successful use of these skills will help an individual to become less dependent on services, external structures or support to safely participate in community-based activities.

Sexually Inappropriate Behavior: Means any sexual act that violates social norms or mores concerning appropriate social or sexual boundaries or increases the potential for actual or perceived injury to others. These boundary violations may increase the risk of harm to self from others.

Sexually Offending Behavior: Means any sexual act that violates existing laws.

V. REFERENCES

Code of Conduct and Ethics of Professional Licensing Boards for Behavior Support Consultants
Friends and Relationships Course curriculum

Introduction to Sexuality for People with I/DD Training Manual

Policies or Guidelines of DDS:

- Aversive Intervention Policy
- Behavior Support Consultation Practice Guidelines
- Crisis Prevention/Intervention Policy and Procedure
- The Guidelines Concerning Sexual Contact and Consent 6-30-97
- S-002 & SP-002: Promoting Healthy Relationships for Individuals with Intellectual/Developmental Disabilities Policy and Procedure

- S-003 & SP-003: Socialization and Sexuality Education for Individuals with Intellectual/Developmental Disabilities Policy and Procedure
- S-004 & SP-004: *Friends and Relationships Course* Teacher Certification Policy and Procedure

Regulations:

- Developmental Disability Act [28 –16A-13 (C) (2)]
- 7 NMAC 26.2 - 6;
- 42 CFR 483.400-483.480;
- 7 NMAC 8.2

Standards:

- Developmental Disabilities Waiver Service Standards
- State General Fund Service Definitions and Standards