

## §5601. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 459, §7 (NEW).]

### 1. Client.

[PL 1993, c. 326, §2 (RP).]

**1-A. Ally.** "Ally" means an individual who a person trusts to provide assistance.

[PL 2007, c. 356, §22 (NEW); PL 2007, c. 356, §31 (AFF).]

**1-B. Behavior management.** "Behavior management" means systematic strategies to prevent the occurrence of challenging behavior or to keep the person or others safe by reducing the factors that lead to challenging behavior or otherwise limiting the person's ability to engage in challenging behavior.

[PL 2011, c. 186, Pt. A, §2 (NEW).]

**1-C. Behavior modification.** "Behavior modification" means teaching strategies, positive support and other interventions to support a person to learn alternatives to challenging behavior.

[PL 2011, c. 186, Pt. A, §3 (NEW).]

**1-D. Acquired brain injury.** "Acquired brain injury" has the same meaning as in Title 22, section 3086, subsection 1.

[PL 2021, c. 284, Pt. A, §4 (NEW).]

### 2. Day facility.

[PL 2011, c. 186, Pt. A, §4 (RP).]

**3. Express and informed consent.** "Express and informed consent" means consent voluntarily given with sufficient knowledge and comprehension of the subject matter involved so as to enable the person giving consent to make an understanding and enlightened decision, without any element of force, fraud, deceit, duress or other form of constraint or coercion.

[PL 1983, c. 459, §7 (NEW).]

**4. Habilitation.** "Habilitation" means the process by which an individual is assisted to acquire and maintain those life skills that enable that individual to cope with the demands of that individual's own person and environment, to raise the level of that individual's physical, mental and social efficiency and to upgrade that individual's sense of well-being, including, but not limited to, programs of formal, structured education and treatment.

[RR 2019, c. 2, Pt. B, §101 (COR).]

**5. Normalization principle.** "Normalization principle" means the principle of assisting the person with an intellectual disability or autism to obtain an existence as close to normal as possible and making available to that person patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

[PL 2011, c. 542, Pt. A, §121 (AMD).]

**5-A. Person receiving services.** "Person receiving services" means a person with an intellectual disability or autism receiving services from the department or from an agency or facility licensed or funded to provide services to persons with intellectual disabilities or autism except those presently serving sentences for crime.

[PL 2011, c. 542, Pt. A, §122 (AMD).]

**5-B. Provider.** "Provider" means an entity, organization or individual providing services to an adult with an intellectual disability or autism, funded in whole or in part or licensed or certified by the department.

[PL 2011, c. 542, Pt. A, §123 (AMD).]

### 6. Residential facility.

[PL 2011, c. 186, Pt. A, §7 (RP).]

**6-A. Restraint.** "Restraint" means a mechanism or action that limits or controls a person's voluntary movement, deprives a person of the use of all or part of the person's body or maintains a person in an area against the person's will by another person's physical presence or coercion. "Restraint" does not include a prescribed therapeutic device or intervention or a safety device or practice.

[PL 2011, c. 186, Pt. A, §8 (NEW).]

**6-B. Safety device or practice.** "Safety device or practice" means a device or practice that has the effect of reducing or inhibiting a person's movement in any way but whose purpose is to maintain or ensure the safety of the person. "Safety device or practice" includes but is not limited to implements, garments, gates, barriers, locks or locking apparatuses, alarms, helmets, masks, gloves, straps, belts or protective gloves whose purpose is to maintain the safety of the person.

[PL 2011, c. 186, Pt. A, §9 (NEW).]

**7. Seclusion.** "Seclusion" means the solitary, involuntary confinement for any period of time of a person receiving services in a room or specific area from which egress is denied by a locking mechanism or barrier.

[PL 2011, c. 186, Pt. A, §10 (AMD).]

**7-A. Supports.** "Supports" means actions or assistance that empowers a person with an intellectual disability or autism to carry out life activities, build relationships and learn the skills necessary to meet the person's needs and desires.

[PL 2011, c. 542, Pt. A, §124 (AMD).]

**7-B. Therapeutic device or intervention.** "Therapeutic device or intervention" means an apparatus or activity prescribed by a qualified professional to achieve proper body position, balance or alignment or an action or apparatus that is designed to enhance sensory integration.

[PL 2011, c. 186, Pt. A, §12 (NEW).]

**8. Treatment.** "Treatment" means the prevention or amelioration of physical and mental disabilities or illness of a person or any actions or services designed to assist the person to maximize the person's independence and potential.

[PL 2011, c. 186, Pt. A, §13 (AMD).]

## SECTION HISTORY

PL 1983, c. 459, §7 (NEW). PL 1993, c. 326, §§2-7 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 356, §22 (AMD). PL 2007, c. 356, §31 (AFF). PL 2011, c. 186, Pt. A, §§2-13 (AMD). PL 2011, c. 542, Pt. A, §§121-124 (AMD). RR 2019, c. 2, Pt. B, §101 (COR). PL 2021, c. 284, Pt. A, §4 (AMD).

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