14 ELEMENTS OF A GOOD RESTRAINT LAW

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1. A strong purpose statement

- A statement of legislative intent or purpose, that restraint is an extraordinary and dangerous intervention and that the state’s goal is to substantially reduce or eliminate its use.
Recognizing restraint is an intervention to be used only in emergencies.

The several kinds of restraint (e.g., mechanical, physical, chemical, seclusion) should be identified and defined.

A very tight and specific definition of emergency.
3. Limits on kinds of restraints

- Prone restraint
- Restraint chairs
- “Walking restraints,” (belts, cuffs and shackles)
- Restraint nets
- Any technique that obstructs the individual’s airways
- PRN restraint orders of all kinds
4. Admission requirements

- Assessment for risks
  - Elderly
  - History of trauma
  - Obesity
  - Respiratory and/or Cardiac problems
  - Intoxication at the time of the restraint
  - Back Problems
  - Deafness or other physical disabilities

- A restraint reduction or emergency response plan.
5. The Order – By Whom & What it Must Say

- Strong preference for MD (required for chemical)
- Face to face MD evaluation within 1 hr if not
- Order must:
  - state the reasons for the restraint in conduct-specific terms, not conclusory terms,
  - describe the alternatives tried, and how those alternatives relate to the restraint reduction form,
  - include the duration of the restraint and criteria for earlier release from the restraint.
6. Monitoring, assessment & comfort

- Ongoing constant monitoring (watching and engagement)
- Regular periodic assessment (for medical problems and for release)
- Standards to ensure the individual comfort (e.g., bathroom breaks)
7. Duration of order

- One to three hours max per order
- Restriction on number of cumulative hours
- Notice to “higher-ups” if beyond certain hours
- Shorter duration for youth and adolescents
8. Renewal

- Emergency situation must continue to exist for an order to be renewed.
- Subsequent orders should state the justification for the renewal and the criteria for release.
- If the restraint order is renewed more than once, someone in authority (e.g., facility head, Commissioner) must be notified.
9. Debriefing

- After every restraint
- Includes both individual and staff
- Considers both why it happened and how it can be prevented in future
- Results in review of treatment plan
10. Staff training

- Prevention
- Alternatives
- Use
- Values and goals
11. Transparency

- Data collection and dissemination to insure transparency and promote reform.
- Data should be available to other hospitals so that facilities may compare utilization.
- Data should be available to the public so that the public (and advocates) can monitor utilization and press for reform.
12. Leadership notification

- Notification to oversight agency and/or facility leadership for oversight and review.
13. P&A and family notification

- All restraints to family
- All or injuries or death to P&A
- Within 24 hours of commencement
14. Licensing requirements

- A restraint reduction plan that involves leadership commitment and reinforcement.
- The facility should be required to demonstrate progress to reduce and eliminate the use of restraint.
- Policies in accordance with the statute.