



General Assembly

February Session, 2002

**Raised Bill No. 5685**

LCO No. 2260

Referred to Committee on Public Health

Introduced by:  
(PH)

**AN ACT CONCERNING THE USE OF PHYSICAL RESTRAINTS ON PERSONS AT RISK.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2002*) The Commissioner of Mental  
2 Health and Addiction Services shall adopt regulations, in accordance  
3 with chapter 54 of the general statutes, specifying criteria to determine  
4 whether physical restraints of persons at risk under chapter 814e of the  
5 general statutes are consistent with the requirements of chapter 814e of  
6 the general statutes and specifying procedures to protect persons at  
7 risk who are placed in physical restraints. The regulations shall  
8 include, but not be limited to, requirements that, and any procedures  
9 necessary to ensure that:

10 (1) Unless necessary to avoid an immediate or imminent injury to  
11 the person at risk or to others, physical restraints are used on a person  
12 at risk only after a licensed psychiatrist meets in person with the  
13 person at risk no earlier than thirty minutes prior to the use of the  
14 restraint, concludes that the restraint is needed and that any less  
15 restrictive forms of restraint would not be appropriate or were tried  
16 without success, and documents the meeting and conclusion in the

17 medical or educational record of the person at risk;

18 (2) Physical restraints used on a person at risk are released when the  
19 person is asleep or for the person's use of bathroom facilities unless  
20 releasing the restraints would result in an immediate or imminent  
21 injury to the person at risk or to others;

22 (3) The least restrictive form of physical restraint is used that would  
23 result in the restraint of the person at risk, and, when a posey vest is  
24 used, the reason and maximum time period for the use of the vest are  
25 documented in the person's medical or educational records;

26 (4) Physical restraints are not used while persons at risk are lying on  
27 their stomachs unless any less restrictive form of restraint would not  
28 be appropriate, as documented in the person's medical or educational  
29 records;

30 (5) Physical restraints are used on a person at risk only by personnel  
31 with appropriate training, as specified in subdivision (2) of section 46a-  
32 154 of the general statutes, and only after such personnel specifically  
33 review written orders by a licensed physician for the physical restraint;

34 (6) Physical restraints on a person at risk are not based on orders by  
35 a registered nurse unless necessary to avoid an immediate or imminent  
36 injury to the person at risk or to others;

37 (7) The term "convenience", as used in section 46a-154 of the general  
38 statutes, includes, but is not limited to, terminating complaints and  
39 other verbal expressions by persons at risk;

40 (8) Licensed psychiatrists and licensed physicians monitor persons  
41 at risk who are in physical restraints at frequencies specified in such  
42 regulations and document the need, if any, to continue the restraints;

43 (9) Any time physical restraints are used on a person at risk, (A) the  
44 person's immediate family is notified immediately, (B) the advocate for  
45 the person at risk at the institution or facility, including, if applicable,

46 any patients' advocate, is notified immediately, and (C) the person at  
47 risk, and such person's immediate family, are advised of such person's  
48 legal rights with regard to physical restraints;

49 (10) Whenever possible, persons at risk in physical restraints in  
50 institutions or facilities are placed in areas that are visible to other  
51 personnel besides the personnel who are attending to the persons at  
52 risk;

53 (11) Unless necessary to avoid an immediate or imminent injury to  
54 the person at risk or to others, physical restraints at an institution or  
55 facility are not ordered for a person at risk before the person arrives at  
56 the institution or facility;

57 (12) When persons at risk are released from institutions or facilities  
58 at which physical restraints were used on such persons, reporting  
59 requirements by the institutions or facilities are appropriate to help  
60 ensure proper treatment of the persons at risk and to create records  
61 that will be useful in the regulatory review of the institutions' or  
62 facilities' treatment of persons at risk who are put in physical  
63 restraints; and

64 (13) Personnel at institutions or facilities treat persons at risk in  
65 physical restraints with respect and courtesy.

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| This act shall take effect as follows: |              |
| Section 1                              | July 1, 2002 |

**Statement of Purpose:**

To protect the rights and interests of persons at risk who are placed in physical restraints.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*