

(was MCCMH Policy 9-07-110)

Chapter: **RECIPIENT RIGHTS**
Title: **RESTRAINT**

Prior Approval Date: 8/26/09
Current Approval Date: 5/15/12

Approved by: _____

Executive Director

Date

I. Abstract

This policy establishes the standards of the Macomb County Community Mental Health Board (MCCMH) regarding the use of restraints for residents/consumers.

II. Application

This policy shall apply to directly-operated and contracted network providers of the MCCMH Board.

III. Policy

It is the policy of the MCCMH Board that restraint of residents/consumers shall not be permitted by any directly-operated or contract network provider where it is expressly prohibited by statute and this policy. The use of restraint, where permitted in applicable contracted facilities, must comply with all applicable State and Federal laws, rules and regulations. Facilities under contract to the Board (Child Care Institutions and Psychiatric Hospitals) must submit their restraint policy(s) to the Board's Office of Recipient Rights, upon request, for compliance review.

IV. Definitions

- A. Facility
A residential setting for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or developmental disability that is either a State facility or a licensed facility.
- B. Child Caring Institution
A facility licensed under MCL 722.111 et seq.
- C. Licensed Facility
A facility licensed by MDCH under MCL 330.1137 or an adult foster care facility.
- D. Network Provider
MCCMH directly operated or contract providers of services to MCCMH consumers.
- E. Restraint
The use of a physical or mechanical device to restrict an individual's movement at the order of a physician. The use of physical or mechanical devices used as restraint is **prohibited**, except in a state-operated facility or a licensed hospital under contract with the Board.

This definition excludes:

- Anatomical or physical supports that are ordered by a physician, physical therapist or occupational therapist for the purpose of maintaining or improving an individual's physical functioning.
- Protective devices which are defined as devices or physical barriers to prevent the individual from causing serious self-injury associated with documented and frequent incidents of the behavior and which are incorporated in the written individual plan of services through a Behavior Treatment Plan which has been reviewed and approved by the BTPRC and received special consent from the individual or his/her legal representative.
- Medical restraint, i.e. the use of mechanical restraint or drug-induced restraint ordered by a physician or dentist to render the individual quiescent for medical or dental procedures. Medical restraint shall only be used as specified in the individual written plan of service for medical or dental procedures.

- Safety devices required by law, such as car seat belts or child car seats used while riding in vehicles, when used in a manner that is consistent with its intended purpose.

V. Standards

- A. Direct service providers shall not use restraint, as defined by IV.E., above, in any situation. Contract facility providers (see definitions IV.A., IV.C.) shall not use restraint on a resident except under the conditions set forth in all applicable State and Federal laws, rules and regulations.
- B. As stipulated by the provisions of MCCMH MCO Policy 9-100, "Applicability of Recipient Rights Policies," a review of restraint policies and procedures for inpatient facilities and child caring institutions under contract to the Board shall be evaluated by the MCCMH Office of Recipient Rights to ensure compliance with the Michigan Mental Health Code/Administrative Rules and satisfaction of a uniformly high standard.

VI. Procedures

- A. None.

VII. References / Legal Authority

- A. MCL 330.1137
- B. MCL 330.1740
- C. MCL 330.1742
- D. MCL 722.111 et seq.
- E. 2009 MDCH Administrative Rules, R 330.7243; R 330.7001
- F. 42 CFR 482.13(e)
- G. Commission on Accreditation of Rehabilitation Facilities (CARF) 2012 Standards Manual §1., H., "Health & Safety, 8.e.(2)-(3); . p.69; §2., F., "Nonviolent Practices," pp. 130-136
- H. MDCH / MCCMH Medicaid Managed Specialty Supports and Services Concurrent Contract FY 12 and MDCH / MCCMH Managed Mental Health Supports and Services Contract FY 12 (Technical Advisory Attachment P.1.4.1 and C.6.8.3.1: Behavior Treatment Plan Review Committees)

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VIII. Exhibits

A. None.