

Representative Mike Thompson proposes the following substitute bill:

PROHIBITION OF RESTRAINT PRACTICES

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Thompson

This act modifies the Mental Health Professional Licensing Act. The act restricts the use, practice, or application of restraint to certain circumstances.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

58-60-117, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-60-117** is enacted to read:

58-60-117. Restraint therapy.

(1) (a) As used in this section, "restraint" means personal, physical, or mechanical restraint, including:

(i) the application of physical force without the use of any device, for the purpose of restraining the movement of the patient's body; or

(ii) any manual method or physical or mechanical device, material, or equipment attached to or adjacent to the patient's body that the patient cannot easily remove that restricts freedom of movement or normal access to one's body.

(b) "Restraint" does not include briefly holding, without undue force, a patient, in order to calm the patient, or holding a patient's hand to escort the patient safely from one area to another.

(2) Except as otherwise provided in Subsection (3), a mental health therapist may not:

(a) practice, use, or apply restraint on or to a patient; or

(b) direct, prescribe, or instruct that restraint be used or applied on or to a patient.

(3) Subsection (2) does not apply:



26 (a) to a hospital that is subject to Requirements for States and Long Term Care Facilities,
27 42 C.F.R. Subchapter G, Part 482;

28 (b) to a residential treatment facility that is subject to Requirements for States and Long
29 Term Care Facilities, 42 C.F.R. Subchapter G, Part 483; or

30 (c) when a mental health therapist determines that restraint is reasonably needed to:

31 (i) protect the patient or another person from what reasonably appears to be imminent
32 physical injury; or

33 (ii) protect property from what reasonably appears to be imminent, substantial damage.

34 (4) All use of restraint by a mental health therapist shall be documented in the patient's file
35 or chart.

36 (5) Any restraint permitted under Subsection (3)(c) must be terminated when conditions
37 described in Subsection (3)(c) no longer exist or may be remediated by less restrictive means.