

Senator Parley G. Hellewell proposes the following substitute bill:

1 **REGULATION OF COERCIVE RESTRAINT**
2 **PRACTICES**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Parley G. Hellewell**

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

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

9 ENACTS:

10 **58-60-117**, Utah Code Annotated 1953

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

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

13 **58-60-117. Coercive restraint practices.**

14 (1) (a) As used in this section, "coercive restraint" means personal, physical, or
15 mechanical restraint, in which a therapist:

16 (i) covers all of a patient's face;

17 (ii) compresses a patient's body in a way that significantly impedes or restricts a
18 patient's breathing or causes other physical harm;

19 (iii) sits or lies upon a patient with full body contact; or

20 (iv) uses elbows, knees, knuckles, or fists on or against a patient's body.

21 (b) "Coercive restraint" by a therapist does not include briefly holding, without undue
22 force, a patient, in order to calm the patient, or holding a patient's hand to escort the patient
23 safely from one area to another.

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



(a) practice, use, or apply coercive restraint on or to a patient; or
(b) direct, prescribe, or instruct that coercive restraint be used or applied on or to a patient.
(3) Subsection (2) does not apply:
(a) to a hospital that is subject to Requirements for States and Long Term Care Facilities, 42 C.F.R. Subchapter G, Part 482;
(b) to a residential treatment facility that is subject to Requirements for States and Long Term Care Facilities, 42 C.F.R. Subchapter G, Part 483; or
(c) when a mental health therapist determines that coercive restraint is reasonably needed to:
(i) protect the patient or another person from what reasonably appears to be imminent physical injury; or
(ii) protect property from what reasonably appears to be imminent, substantial damage.
(4) Any restraint permitted under Subsection (3)(c) must be terminated when conditions described in Subsection (3)(c) no longer exist or may be remediated by less restrictive means.
(5) All use of restraint by a mental health therapist shall be documented in the patient's file or chart.
(6) Licensed mental health therapists who engage in physical contact as a therapy with clients are required to enter upon engagement, a written contract with the patient, parent, or legal guardian of the patient, that:
(a) describes the nature and objectives of the therapy;
(b) sets forth clear, appropriate, and culturally sensitive boundaries that govern such physical contact;
(c) forbids therapists from teaching clients, patients, parents, or legal guardians techniques for performing coercive restraint at home; and
(d) states that restraint therapy, not otherwise prohibited in this section, as a mental health treatment is an alternative treatment method.