

Nursing Home Residents' Rights

Your Right to be Free from Restraints

As a resident in a nursing home, you have the right to be free from physical and chemical restraints when you decline their use or placement. Your nursing home must ensure that this right is not violated and must obtain informed consent for their use.

What is a physical restraint?

A physical restraint is anything that is attached to or placed next to your body that limits your movement or access to your body. Physical restraints include leg or arm restraints, hand mitts, vests, cloth ties, wheelchair safety bars, or anything else that prevents you from moving around. Other ways to restrain you are moving your wheelchair against a wall so that you cannot move, using a bedrail to prevent you from getting out of bed, or tucking in a bed sheet so tightly that you cannot move.

What is a chemical restraint?

A chemical restraint is any drug that is used for discipline or convenience and is not required to treat medical symptoms.

When may a restraint be used?

A restraint may only be used to treat your medical symptoms and only if the restraint will assist you in reaching your highest possible functioning. Before

using restraints, your nursing home must try other methods of care that are not restraints.

The need for restraints is discussed with your doctor and they must write an order for the restraint, and describe the symptoms that the restraint is being ordered to address. Your doctor must also write in your medical records the duration and circumstances under which the restraints are to be used.

If your nursing home tells you that your doctor ordered chemical or physical restraints to be used, before your doctor can do this he or she must first give you enough information to help you decide whether or not you want the drug or physical restraint.

If you do not have the ability to understand the information given about the proposed drug or physical restraint, the information must be provided to your representative. Your representative may be a relative, a court appointed conservator, a person you have chosen through an Advance Health Care Directive, or some other representative chosen by you, within the law.

Your Right to be Free from Restraints (*continued*)

If restraints are necessary and if you agree to use them, your nursing home must use the least confining restraint possible. Your nursing home must also take steps to try to reduce or eliminate your need for restraints at all.

Except for limited periods of time in cases of emergency, where you are in danger of harming yourself or others, the nursing staff cannot give you a drug or apply a physical restraint unless you or your representative, if you are unable, gives permission in advance for their use.

Some questions that your doctor should answer:

- T What is the reason for the proposed restraint? What medical symptom is it treating?
- T Can the medical problem be treated without using a restraint? Has the facility attempted to use an alternative to a restraint?
- T What procedures are being used? For how long? How often? Is the restraint the least confining restraint possible?
- T What are the risks and benefits of the restraint as compared to being without the restraint?

- T What kind of side effects should you expect? How long will they last? How likely are they to occur?
- T What other options do you have and why is your doctor recommending this one?



Remember:

It is important for you to remember that you have the right to agree to or refuse the restraints, and if you accept, you have the right to change your mind for any reason at any time.

If you are being restrained and believe that you have not been provided enough information about restraints, you should speak with your doctor or the nursing staff about your concerns. If you are not satisfied with their response or do not feel comfortable talking with them about your problem, contact the Department of Public Health, Licensing and Certification, District Office in your area or the Ombudsman Program. The telephone numbers for both agencies are posted in your nursing home.