
By Mr. Backman, a petition (accompanied by bill, Senate, No. 629) of Rita Warren, Jack H. Backman, John P. Burke, William X. Wall, John F. Aylmer and Phil Olenick for legislation to regulate restraint of mentally ill patients. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT REGULATING RESTRAINT OF MENTALLY ILL PATIENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 21 of chapter 123 of the General Laws is hereby
2 amended by substituting therefor the following: —

3 Restraint of a mentally ill patient may only be used in
4 cases of emergency, such as the occurrence of, or serious
5 threat of, extreme violence, personal injury, or attempted
6 suicide; provided, however, that written authorization for
7 such restraint is given by the superintendent or director of
8 the facility or by a physician designated by him for this pur-
9 pose who is present at the time of the emergency or if the
10 superintendent or director or designated physician is not
11 present at the time of the emergency, non-chemical means of
12 restraint may be used for a period of 30 minutes; provided
13 that within 30 minutes the person in restraint shall be ex-
14 amined by the superintendent, director or designated physi-
15 cian. No order for restraint shall be valid for a period of
16 more than one hour beyond which time it may be renewed
17 by the superintendent, director or authorized physician only
18 upon personal examination. The reasons for the original use
19 of the restraint, the reason for its continuation after each re-
20 newal and the reason for its cessation shall be noted upon the
21 restraint form by the superintendent, director or authorized
22 physician at the time of each occurrence.

23 No person shall be kept in restraint without a person in
24 attendance specially trained to understand, assist and afford
25 therapy to the person in restraint.

26 No minor child shall be given a chemical restraint or placed
27 in mechanical restraints.

28 No "P.R.N." or "as required" authorization of restraint may
29 be written.

30 No restraint is authorized except as specified in this sec-
31 tion in any public or private facility for the care and treat-
32 ment of mentally ill or mentally retarded persons including
33 the intensive care unit and Bridgewater.

34 No later than two hours after initial commencement of the
35 restraint, and again after the period of restraint, a copy of
36 the restraint form shall be delivered to the person who was
37 in restraint. A place shall be provided on the form or on at-
38 tachments thereto, for the person to comment on the circum-
39 stances leading to the use of restraint and on the manner of
40 restraint used.

41 A copy of the restraint form and any such attachments
42 shall become part of the chart of the patient. Copies of all
43 restraint forms shall be sent to the Commissioner of Mental
44 Health who shall review them and sign them within thirty
45 days, and statistical records shall be kept therefor for each
46 facility and each designated physician.