

By Mr. Backman, a petition (accompanied by bill, Senate, No. 632) of Jack H. Backman and Marie J. Parente for legislation to clarify the seclusion and restraint law. Human Services and Elderly Affairs.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Six.

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AN ACT TO CLARIFY THE SECLUSION AND RESTRAINT LAW.

*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 1. Section 21 of chapter 123 of the General Laws,  
2 as most recently amended by chapter 464 of the acts of 1984, is  
3 hereby further amended by inserting immediately after the first  
4 sentence of the third paragraph the following new sentence: —

5 Further, if a patient is placed in restraint and a physician  
6 has not yet examined the patient, the patient shall be examined  
7 by a registered nurse within fifteen minutes of the order for  
8 restraint, and every fifteen minutes thereafter until examined  
9 by a physician. The physician shall indicate the frequency and  
10 the nature of subsequent examinations. Such subsequent exam-  
11 inations shall be carried out no less than once an hour by per-  
12 sonal examination by a physician or registered nurse.

1 SECTION 2. Said section 21 is hereby further amended by  
2 striking the fourth paragraph and inserting in place thereof the  
3 following: —

4 (a) Any minor child placed in restraint shall be examined by  
5 a physician within fifteen minutes of the order for restraint.  
6 A physician shall review the restraint order, by personal exam-  
7 ination of the child or consultation with ward staff attending  
8 the child, every hour thereafter. No order for restraint for a  
9 minor child shall be valid for a period of more than one hour  
10 beyond which time it may be renewed for a period of one addi-

11 tional hour only by a physician other than the physician who  
12 authorized the initial order for restraint upon personal exam-  
13 ination. Provided, further, that no minor shall be restrained for  
14 more than a total of two hours in any twenty-four hour period.  
15 Provided, further, that no minor shall be secluded for more  
16 than one hour in any twenty-four hour period. Any use of re-  
17 straint on a minor exceeding one hour in any twenty-four hour  
18 period shall be reviewed within two working days by the chief  
19 operating officer of the facility. The chief operating officer  
20 shall forward a copy of his or her report on each such instance  
21 of restraint to the human rights committee of that facility and  
22 in the event that there is no human rights committee, to the  
23 appropriate body designated by the commissioner of mental  
24 health. The chief operating officer shall also compile a record  
25 of every instance of restraint in the facility and shall forward a  
26 copy of said report on a monthly basis to the human rights  
27 committee or the body designated by the commissioner of  
28 mental health.

29 (b) No order for restraint for an adult shall be valid for a  
30 period of more than two hours beyond which time it may be  
31 renewed by the superintendent, director, authorized physician  
32 or registered nurse only upon personal examination. Provided,  
33 further, that no individual shall be restrained for more than six  
34 hours beyond which time an order may be renewed only upon  
35 personal examination by a physician. The reasons for the orig-  
36 inal use of restraint, the reason for its continuation after each  
37 renewal and the reason for its cessation shall be noted upon  
38 the restraining form by the superintendent, director or author-  
39 ized physician at the time of each occurrence.

1 SECTION 3. Said section 21 is hereby further amended by  
2 deleting the word "adult" in the second sentence of the fifth para-  
3 graph and substituting in place thereof the word "individual."

1 SECTION 4. Said section 21 is hereby further amended by  
2 striking in the third sentence of the fifth paragraph the following  
3 words: — "person may be kept in restraint unattended for a  
4 period not to exceed two hours" and inserting the following: —  
5 adult may be kept in restraint unattended for a period not to  
6 exceed two hours.

1 SECTION 5. Said section 21 is hereby further amended by  
2 inserting immediately after the fourth sentence the following new  
3 sentence: —

4 The maintenance of any adult in restraint for more than eight  
5 hours in any twenty-four hour period must be authorized by the  
6 superintendent or facility director or the person specifically desig-  
7 nated to act in the absence of the superintendent or facility direc-  
8 tor in such case and must be reviewed by the superintendent or  
9 facility director upon his or her return.

1 SECTION 6. Said section 21 is hereby further amended by  
2 deleting from the first sentence of the eighth paragraph the word  
3 “eight” and substituting in its place the word “twenty-four”.

