

# MEMORANDUM

## Texas Department of Human Services Long Term Care Policy \* Survey and Certification Clarification

**TO:** Long Term Care-Regulatory  
Regional Directors and State Office Managers

**FROM:** Evelyn Delgado  
Assistant Deputy Commissioner  
Long Term Care-Regulatory

**SUBJECT:** Reducing Inappropriate Use of Restraints - **S&CC #02-12**

**DATE:** November 27, 2002

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### **Why is restraint reduction important?**

Residents of long term care facilities have a right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat a resident's medical symptoms. The Centers for Medicare and Medicaid Services (CMS) and the Texas legislature are looking closely at restraint use in nursing facilities. Texas' current level of restraint use is 18%, while the national average is approximately 10%. When Long Term Care-Regulatory (LTC-R) staff determines that restraints are being used inappropriately, a violation/deficiency must be cited at the appropriate requirement(s). State and/or federal nursing facility requirements that address the use of restraints are found in the *Nursing Facility Requirements for Licensure and Medicaid Certification* at 40 Texas Administrative Code (TAC) §19.601(a); *Code of Federal Regulations (CFR)* at 42 CFR §483.13(a); and CMS' *Appendix PP* at F-tags F-221 and F-222. The state assisted living facility rule that addresses the use of restraints is found in the *Licensing Standards for Assisted Living Facilities* at 40 TAC §92.125(3)(A).

### **Is restraint reduction training available?**

Yes. LTC-R Education Services held joint provider-surveyor training on restraint reduction in August 2002. As of October 2002, additional half-day joint training sessions are scheduled around the state.

Registration information is available online through the LTC-R Education Services intranet web site: <http://ausltc00.dhs.state.tx.us/edserv/>, or through the DHS internet web site: <http://www.dhs.state.tx.us/>. From the DHS internet web site, click on Provider Information; then Long Term Care-Regulatory Joint Training Classes and finally, Training. Access Provider Letter No. 02-39 from the Long Term Care Policy web site for the most recent provider communication on this subject: <http://www.dhs.state.tx.us/providers/ltc-policy/>.

### **Are there any studies on restraint use in Texas?**

Yes. A study conducted by the Texas Department of Human Services (DHS) Medical Quality Assurance program revealed that the majority of restraint use in Texas is not for reasons of discipline or convenience, but rather to prevent falls. Unfortunately, the belief that restraint use prevents falls is false. Research shows that injuries resulting from falls in restrained residents tend to be more severe than injuries from falls in residents who are not restrained. In the Texas study, approximately 20% of restrained residents were restrained because of a family request. This study demonstrates the importance of family education in restraint reduction efforts.

**What other resources are recommended?**

DHS Medical Quality Assurance's (MQA's) review of research literature addressing key aspects of restraint use is available online as an audio-visual presentation. MQA's review can be accessed at: [http://mqa.dhs.state.tx.us/QMWeb/Restraints/Restraint\\_Use\\_and\\_Reduction.htm](http://mqa.dhs.state.tx.us/QMWeb/Restraints/Restraint_Use_and_Reduction.htm).

The Texas Department on Aging (TDoA) is cooperating with DHS in an initiative to reduce or eliminate restraint use. TDoA's Ombudsman Program has developed a variety of materials for use by nursing facility staff and statewide ombudsmen to educate family members regarding use of restraints. Local ombudsmen have presentations; samples of behavior-charting and fall-assessment forms; as well as several intervention tools and videos for loan to use in training facility staff. Refer interested parties to 1-800-252-2412 to locate the ombudsman in their region for details.

**Who can I contact for questions?**

If you have questions about inappropriate use of restraints, please contact LTC-R Professional Services at (512) 438-2179. For questions about restraint reduction training, please contact LTC-R Education Services at (512) 438-2624.

- Original Signature on File -

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