



COMMISSIONER  
Adelaide Horn

June 22, 2006

To: Home and Community-based Services (HCS) Providers

Subject: Information Letter 06-53 Revised HCS Rules on Use of Restraint

Effective June 1, 2006, the Texas Department of Aging and Disability Services (DADS) adopted rule revisions concerning the use of restraint in the Home and Community-based Services (HCS) Program. The revised rules and related forms can be accessed on DADS' website at: <http://www.dads.state.tx.us/handbooks/hcs/>.

The revisions add new §9.179 concerning provider certification principles for the use of restraint, including:

- a description of restraints a program provider must not use, including a restraint that places an individual in a prone or supine position;
- a list of the circumstances under which restraint may be used;
- a requirement that the program provider ensure that an individual's interdisciplinary team follows certain procedures in order to decrease the frequency of the use of restraint;
- a list of safeguards the program provider must take into account if restraint is used;
- a description of the criteria for an acceptable restraint hold a program provider may use in a behavioral emergency or as part of a behavior intervention plan;
- a description of requirements on when a program provider must release an individual from restraint; and
- a description of procedures a program provider must follow after the use of restraint.

#### **Other key revisions**

Other revisions concerning the use of restraint require a program provider to:

- inform an individual and LAR of rules and policies related to the use of restraints and seclusion;
- ensure that staff receives training on the use of restraints in accordance with the certification principles in §9.179;
- have the consumer/advocate advisory committee review critical incident data for trends and assist in developing procedures to decrease frequency of restraint use;
- not retaliate following a report of misuse of restraint or seclusion; and
- enter critical incident data in DADS' Client Assignment and Registration System (CARE) in a timely manner.

#### **Sections renumbered**

Former §§9.179-9.182 have been renumbered as §§9.185-9.188 to permit placement of the certification principles in new §9.179 immediately following existing certification principles in §§9.172-9.178. The only differences in new §§9.185-9.188 and the former sections are those necessary to update agency names and correct referenced citations.

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**Additional information**

The new provisions regarding the use of restraint implement new Chapter 322 of the Texas Health and Safety Code, added by Senate Bill 325 (79<sup>th</sup> Legislature). A summary of SB 325 was provided in Information Letter 05-35, dated January 2, 2006. The information letter is posted on DADS' website at: <http://www.dads.state.tx.us/business/communitycare/infoletters/2005/IL2005-35.pdf>.

If you have questions about the content of this information letter, please contact Christie Taylor, 512/438-4512 [christie.taylor@dads.state.tx.us](mailto:christie.taylor@dads.state.tx.us).

Sincerely,

*[signature on file]*

Kim Wedel  
Section Director  
Community Services

KW:ss