

2010 -- H 7315

LC00909

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Representatives Palumbo, Baldelli-Hunt, Schadone, D Caprio, and Malik

Date Introduced: February 02, 2010

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17.5-9 of the General Laws in Chapter 23-17.5 entitled "Rights
2 of Nursing Home Patients" is hereby amended to read as follows:

3 **23-17.5-9. Abuse.** -- (a) Patients shall not be subject to mental and physical abuse, and
4 shall be free from chemical and (except in emergencies) physical restraints except as authorized
5 in writing by a physician for a specified and limited period of time for the protection of the
6 patient.

7 (b) Restraining devices are generally prohibited. A controlling device to be used for the
8 protection of the patient may be utilized only as prescribed in writing and signed by a physician.
9 The length of time, the purpose, and the kind of restraint shall be specified in the physician's
10 order.

11 (c) A training program in the use of restraints shall be required for all personnel
12 providing direct patient care, and completion of the program shall be documented in the
13 employee's personnel record.

14 (d) If physical restraining devices are authorized by a physician in accordance with
15 subsection (b), the patient's next of kin or legal guardian shall be informed in writing of the
16 purpose and duration of restraint. A copy of the communication shall be retained in the medical
17 record for one year.

18 (e) Whenever any nursing home administrator receives information that a resident of
19 his/her facility has been harmed as a result of physical abuse, neglect, or mistreatment, the

1 [administrator shall immediately notify the state police or the police department of the city or town](#)
2 [in which the abuse occurred.](#)

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would require nursing home administrators to report abuse of residents to the
- 2 state police or the police department of the municipality where the abuse occurred.
- 3 This act would take effect upon passage.

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