HOUSE BILL No. 1153

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-28-11-8.

Synopsis: Use of restraints in health facilities. Provides that if a patient has had at least one injury as a result of the patient's diagnosed Alzheimer's disease, dementia, or a related disorder and if the injury would have been prevented if the patient had been restrained, a health facility may use mechanical restraints on the patient. Sets certain conditions that must be met. Requires development and review of a plan or guidelines for use of restraints.

Effective: July 1, 2017.

Leonard

January 9, 2017, read first time and referred to Committee on Public Health.

Introduced

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1153

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-28-11-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 8. (a) Except as provided in subsection (b), this section applies to a health facility that provides care to a patient who:**

(1) is diagnosed with Alzheimer's disease, dementia, or a related disorder; and

(2) resides in the health facility.

(b) This section does not apply to a health facility that provides Alzheimer's and dementia special care (as defined by IC 12-10-5.5-1).

(c) If a patient has had at least one (1) injury as a result of the patient's Alzheimer's disease, dementia, or a related disorder and the injury would have been prevented if the patient had been restrained, a health facility may use mechanical restraints on the patient if the following conditions are met:

(1) Methods of assuring the patient's safety, other than the use

of mechanical restraints, have been unsuccessful.

(2) An immediate adult relative, guardian, custodian, or other legal representative of the patient has requested that mechanical restraints be used on the patient for the patient's safety.

(3) Both:

(A) an immediate adult relative, guardian, custodian, or other legal representative of the patient; and

(B) a representative of the health facility;

have met and have jointly developed a plan or guidelines for the use of mechanical restraints on the patient.

(4) The plan or guidelines for the use of restraints on the patient provides that mechanical restraints may be used on the patient only in situations or at times that are needed to assure the patient's safety.

(d) If a plan or guidelines for the use of mechanical restraints on the patient have been developed under subsection (c), the immediate adult relative, guardian, custodian, or other legal representative of the patient and a representative of the health facility shall meet:

(1) not later than thirty (30) days after the initial plan or guidelines have been developed; and

(2) annually;

to review, and if necessary modify, the patient's plan or guidelines for use of mechanical restraints on the patient.

(e) If the use of mechanical restraints under a plan or guidelines developed under this section causes a serious injury or an adverse health condition to the patient, the health facility shall modify or suspend the plan or guidelines and immediately inform the patient's immediate adult relative, guardian, custodian, or other legal representative.