

2016 -- S 2426 SUBSTITUTE A

LC004377/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- FREEDOM FROM PRONE
RESTRAINT ACT

Introduced By: Senators Goldin, Satchell, and Conley

Date Introduced: February 11, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 158

4 FREEDOM FROM PRONE RESTRAINT ACT

5 **42-158-1. Short title.** -- This chapter shall be known and may be cited as the "Freedom
6 from Prone Restraint Act."

7 **42-158-2. Fundamental purpose.** -- This chapter is enacted to protect and promote the
8 right of each person who is served by a covered facility to be free from the use of prone restraint.
9 Research has shown that prone restraint is a hazardous and potentially lethal position.

10 **42-158-3. Definitions.** -- For the purpose of this chapter:

11 (1) "Service provider" means any person employed or contracted by a covered facility to
12 provide support or care, residential support, education, health care, treatment, or direct
13 supervision.

14 (2) "Covered facility" means any agency, organization, or public or private entity,
15 regardless of the state agency under whose authority its license or certification is established, that
16 provides support or care, residential support, education, health care, treatment, or direct
17 supervision to any person. "Covered facility" does not include any law enforcement department,
18 the department of corrections, the training school for youth, or the forensic unit at the Eleanor

1 Slater Hospital.

2 (3) "Prone restraint" means a restraint or hold that limits or controls the movement or
3 normal functioning of any portion, or all, of an individual's body while the individual is in a face-
4 down position. Prone restraint does not include the temporary controlling of an individual in a
5 prone position while transitioning to an alternative, safer form of restraint.

6 **42-158-4. Use of restraints.** – No service provider of any covered facility may use a
7 prone restraint at any time.

8 **42-158-5. Training and policies.** – Each covered facility shall:

9 (1) Develop policies and procedures that establish monitoring, documentation, reporting,
10 and internal review of the use of restraint in accordance with this chapter.

11 (2) Require training of all service providers in the reduction/elimination of restraint and
12 seclusion. The training shall be approved by the director of the state agency that has supervisory
13 control over the covered facility. The training shall include, but not be limited to:

14 (i) Leadership towards organization change;

15 (ii) Use of data to inform practice;

16 (iii) Workforce development;

17 (iv) Use of prevention tools, including positive behavior interventions and de-escalation;

18 (v) Inclusion of individuals, families, and advocates; and

19 (vi) Debriefing techniques and outcomes.

20 (3) Make the policies and procedures required under subsection (1) of this section
21 available to the director of the state agency that has jurisdiction or supervisory control over the
22 covered facility.

23 **42-158-6. Study commission.** – (a) A joint legislative study commission is hereby
24 created to study the restraint reporting requirements and training approaches of each of the
25 covered facilities and make recommendations to ensure that reporting is as uniform as possible
26 and appropriate data is collected to inform practice and policy decisions.

27 (b) The study commission will be comprised of twenty (20) members: one member of the
28 House of Representatives, to be appointed by the Speaker of the House; one member of the
29 Senate, to be appointed by the President of the Senate; two (2) of whom shall be individuals
30 restrained by a covered facility or knowledgeable about restraint, one of whom to be appointed by
31 the Speaker of the House and one of whom to be appointed by the President of the Senate; two
32 (2) of whom shall be family members of individuals restrained by a covered facility or
33 knowledgeable about restraint, one of whom to be appointed by the Speaker of the House and one
34 of whom to be appointed by the President of the Senate; one of whom shall be the director of the

1 Department of Children, Youth, and Families, or designee; one of whom shall be the
2 commissioner of the Department of Elementary and Secondary Education, or designee; one of
3 whom shall be the Director of the Department of Behavioral Healthcare Developmental
4 Disabilities and Hospitals, or designee; one of whom shall be the director of the Paul V. Sherlock
5 Center on Disabilities, or designee; one of whom shall the be director of the Rhode Island
6 Developmental Disabilities Council, or designee; one of whom shall be the Rhode Island Child
7 Advocate, or designee; one of whom shall be the Rhode Island Mental Health Advocate, or
8 designee; one of whom shall be the director of the Disability Law Center, or designee; one of
9 whom shall be the director of Bradley Hospital, or designee; one of whom shall be the director of
10 the Hospital Association of Rhode Island, or designee; one of whom shall be the director of
11 Butler Hospital, or designee; one of whom shall be the director of the Groden Center, or designee;
12 one of whom shall be the director of the Community Provider Network of Rhode Island; and one
13 of whom shall be a director of a provider of mental health services.

14 In lieu of any appointment of a member of the legislature to a permanent advisory
15 commission, a legislative study commission, or any commission created by an act of the general
16 assembly, the appointing authority may appoint a member of the general public to serve in lieu of
17 a legislator, provided that the majority leader or the minority leader of the political party which is
18 entitled to the appointment consents to the appointment of the member of the general public.
19 Vacancies in said commission shall be filled in like manner as the original appointment.

20 (c) Upon passage of this act, the members of the commission shall meet at the call of the
21 Speaker of the House and President of the Senate and organize and shall select, from among the
22 legislators, a chairperson.

23 (d) The membership of said commission shall receive no compensation for their services.

24 (e) All departments and agencies of the state shall furnish such advice and information,
25 documentary, and otherwise, to said commission and its agents as is deemed necessary or
26 desirable by the commission to facilitate the purposes of this act.

27 (f) The joint commission on legislative services is hereby authorized and directed to
28 provide suitable quarters for said commission.

29 (g) The commission shall report its findings and recommendations to the general
30 assembly no later than February 1, 2017, and said commission shall expire on June 30, 2017.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- FREEDOM FROM PRONE
RESTRAINT ACT

1 This act would prohibit the use of prone restraints in certain facilities; would require
2 training of all service providers in the reduction/elimination of restraint and seclusion, and would
3 create a twenty (20) member study commission to study prone restraint and training approaches
4 in covered facilities.

5 This act would take effect upon passage.

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