**Section 340.1590 Nonemergency Use of Physical Restraints**

a) Physical restraints shall only be used when required to treat the residents' medical symptoms or as a therapeutic intervention, as ordered by a physician, and based on:

1) the assessment of the resident's capabilities and an evaluation and *trial of less restrictive* alternatives that could prove effective (Section 2-106(c) of the Act);

2) the assessment of a specific physical condition or medical treatment, that requires the use of physical restraints, and how the use of physical restraints will assist the resident in reaching his or her *highest practicable physical, mental or psychosocial well being* (Section 2-106(c) of the Act);

3) consultation with appropriate health professionals, such as rehabilitative nurses and occupational or physical therapists, which indicates that the use of less restrictive measures or therapeutic interventions has proven ineffective; and

4) demonstration by the care planning process that using a restraint as a therapeutic intervention will promote the care and services necessary for the resident to attain or maintain the *highest practicable physical, mental or psychosocial well being.* (Section 2-106(c) of the Act, see P.A. 88-413, effective August 20, 1993)

b) *A* physical *restraint may be used only with the informed consent of the resident, the resident's guardian, or other authorized representative.* (Section 2-106(c) of the Act, see P.A. 88-413, effective August 20, 1993) Informed consent includes information about potential negative outcomes of physical restraint use, including incontinence, decreased range of motion, decreased ability to ambulate, symptoms of withdrawal or depression, or reduced social contact.

c) The informed consent may authorize the use of a physical restraint for a specified period of time. The effectiveness of the physical restraint in treating medical symptoms or as a therapeutic intervention, and any negative impact on the resident, shall be assessed by the facility throughout the period of time the physical restraint is used.

d) After 50% of the period of restraint use authorized by the informed consent has expired but not less than five days before it has expired, information about the actual effectiveness of the restraint in treating the resident's medical symptoms or as a therapeutic intervention and about any actual negative impact on the resident shall be given to the resident, resident's guardian, or other authorized representative before the facility secures an informed consent for an additional period of time. Information about the effectiveness of the restraint program and about any negative impact on the resident shall be provided in writing.

e) *A* physical *restraint may be applied only by* staff *trained in the application of the particular type of restraint*. (Section 2-106(d) of the Act, see P.A. 88-413, effective August 20, 1993)

f) *Whenever a period of use of a* physical *restraint is initiated, the resident shall be advised of his or her right to have a person or organization of his or her choosing, including the Guardianship and Advocacy Commission, notified of the use of the* physical *restraint.* A period of use is initiated when a physical restraint is applied to a resident for the first time under a new or renewed informed consent for the use of physical restraints. *A recipient who is under guardianship may request that a person or organization of his or her choosing be notified of the restraint, whether or not the guardian approves the notice. If the resident so chooses, the facility shall make the notification within 24 hours, including any information about the period of time that the* physical *restraint is to be used. Whenever the Guardianship and Advocacy Commission is notified that a resident has been restrained, it shall contact the resident to determine the circumstances of the restraint and whether further action is warranted.* (Section 2-106(e) of the Act, see P.A. 88-413, effective August 20, 1993) If the resident requests that the Guardianship and Advocacy Commission to be contacted, the facility shall provide the following information in writing to the Guardianship and Advocacy Commission:

1) the reason the physical restraint was needed;

2) the type of physical restraint that was used;

3) the interventions utilized or considered prior to physical restraint and the impact of those interventions;

4) the length of time the physical restraint was to be applied; and

5) the name and title of the facility staff person who should be contacted for further information.

g) *Whenever a* physical *restraint is used on a resident whose primary mode of communication is sign language, the resident shall be permitted to have his or her hands free from restraint for brief periods each hour, except when this freedom may result in physical harm to the resident or others.* (Section 2-106(f) of the Act, see P.A. 88-413, effective August 20, 1993)

h) The plan of care shall contain a schedule or plan of rehabilitative/habilitative training to enable the most feasible progressive removal of physical restraints or the most practicable progressive use of less restrictive means to enable the resident to attain or maintain the highest practicable physical, mental or psychosocial well being.

i) A resident wearing a physical restraint shall have it released for a few minutes at least once every two hours, or more often if necessary. During these times, residents shall be assisted with ambulation, as their condition permits, and provided a change in position, skin care and nursing care, as appropriate.

j) No form of seclusion shall be permitted.