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**4658.0300 USE OF RESTRAINTS.**

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meanings given.

A. "Physical restraints" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the individual cannot remove easily which restricts freedom of movement or normal access to one's body. Physical restraints include, but are not limited to, leg restraints, arm restraints, hand mitts, soft ties or vests, and wheelchair safety bars. Physical restraints also include practices which meet the definition of a restraint, such as tucking in a sheet so tightly that a resident confined to bed cannot move; bed rails; chairs that prevent rising; or placing a resident in a wheelchair so close to a wall that the wall prevents the resident from rising. Bed rails are considered a restraint if they restrict freedom of movement. If the bed rail is used solely to assist the resident in turning or to help the resident get out of bed, then the bed rail is not used as a restraint. Wrist bands or devices on clothing that trigger electronic alarms to warn staff that a resident is

leaving a room or area do not, in and of themselves, restrict freedom of movement and should not be considered restraints.

B. "Chemical restraints" means any psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms.

C. "Discipline" means any action taken by the nursing home for the purpose of punishing or penalizing a resident.

D. "Convenience" means any action taken solely to control resident behavior or maintain a resident with a lesser amount of effort that is not in the resident's best interest.

E. "Emergency measures" means the immediate action necessary to alleviate an unexpected situation or sudden occurrence of a serious and urgent nature.

Subp. 2. **Freedom from restraints.** Residents must be free from any physical or chemical restraints imposed for purposes of discipline or convenience, and not required to treat the resident's medical symptoms.

Subp. 3. **Emergency use of restraint.**

A. If a resident exhibits behavior which becomes a

threat to the health or safety of the resident or others, the nurse or person in charge of the nursing home, if other than a nurse, must take temporary, emergency measures to protect the resident and other persons in the nursing home, and the physician must be called immediately.

B. If a restraint is needed, a physician's order must be obtained which specifies the duration and circumstances under which the restraint is to be used.

C. The resident's legal representative or interested family member must be notified when temporary emergency measures are taken.

Subp. 4. **Decision to apply restraint.** The decision to apply a restraint must be based on the comprehensive resident assessment. The least restrictive restraint must be used and incorporated into the comprehensive plan of care. The comprehensive plan of care must allow for progressive removal or the progressive use of less restrictive means. A nursing home must obtain an informed consent for a resident placed in a physical or chemical restraint. A physician's order must be obtained for a physical or chemical restraint which specifies the duration and circumstances under which the restraint is to be used, including the monitoring interval. Nothing in this part requires a resident to be awakened during the resident's

normal sleeping hours strictly for the purpose of releasing restraints.

Subp. 5. **Physical restraints.** At a minimum, for a resident placed in a physical restraint, a nursing home must also:

A. develop a system to ensure that the restrained resident is monitored at the interval specified in the written order from the physician;

B. assist the resident as often as necessary for the resident's safety, comfort, exercise, and elimination needs;

C. provide an opportunity for motion, exercise, and elimination for not less than ten minutes during each two-hour period in which a restraint is employed; and

D. release the resident from the restraint as quickly as possible.

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**4658.0350 PENALTIES FOR RESTRAINTS RULE VIOLATIONS.**

Penalty assessments will be assessed on a daily basis for violations of part [4658.0300](#) and are as follows:

- A. part [4658.0300](#), subpart 2, \$500;
- B. part [4658.0300](#), subpart 3, items A and B, \$500;
- C. part [4658.0300](#), subpart 3, item C, \$50;
- D. part [4658.0300](#), subpart 4, first paragraph, \$250;
- E. part [4658.0300](#), subpart 4, items A to D, \$300; and
- F. part [4658.0300](#), subpart 4, item E, \$500.

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