

1 **H. B. 2740**

2
3 (By Delegate A. Evans, (By Request) and Sponaule

4 [Introduced February 26, 2013; referred to the

5 Committee on Health and Human Resources then the Judiciary.]

6
7
8
9
10 A BILL to amend and reenact §27-2-3 of the Code of West Virginia,
11 1931, as amended, relating to the restriction of the use of
12 "4-point mechanical restraints" on patients in mental health
13 facilities and the establishment of conditions which must
14 accompany usage; criminal penalties.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §27-2-3 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 2. MENTAL HEALTH FACILITIES.**

19 **§27-2-3. Rules as to patients.**

20 (a) The Director of Health shall implement rules ~~and~~
21 ~~regulations~~ as promulgated by the Board of Health in regard to the
22 admission of patients to mental health facilities, the care,
23 maintenance and treatment of inpatients, residents and outpatients

1 of such facilities and the release, trial visit and discharge of
2 patients therefrom.

3 (b) No patient under eighteen years of age in any a state
4 hospital shall may be housed in any an area also occupied by any a
5 patient over eighteen years of age. Any A patient adjudged by the
6 chief medical officer to have a likelihood of seriously harming
7 others shall be confined in a secure area of a health facility.

8 (c) Notwithstanding any provision of this code or in the rules
9 promulgated pursuant to this section to the contrary, the method of
10 restraint known as the "4-point mechanical restraint", a method of
11 restraint in which a patient's arms and legs are strapped down to
12 a bed, may not be used to restrain patients except as follows:

13 (1) Combined with a sedative injection administered
14 immediately after completing the restraint;

15 (2) Removing the restraint or administering another injection
16 when the patient awakens; and

17 (3) In circumstances requiring continued restraint, closely
18 monitoring the patient's maintenance dosage of sedatives and
19 adjusting when appropriate in order to avoid unnecessary stress or
20 discomfort to the patient.

21 (d) As an alternative to utilizing the "4-point mechanical
22 restraint", the patient may be placed in a "safe seclusion room"
23 which must be equipped with padded walls, floors and bars.

24 (e) A person who violates subsection (c) of this section is

1 guilty of a misdemeanor and, upon conviction thereof, shall be
2 fined not less than \$500 nor more than \$2,000, or confined in jail
3 not more than one year, or both fined and confined.

NOTE: The purpose of this bill is to restrict the "4-point mechanical restraint" in mental health facilities and establish conditions which must accompany usage and to impose criminal penalties.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.