

1 **H. B. 4244**

2
3 (By Delegates A. Evans, Sponaugle, Azinger
4 and Rowan)
5

6 [Introduced January 21, 2014; referred to the
7 Committee on Health and Human Resources then the
8 Judiciary.]
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10 A BILL to amend and reenact §27-2-3 of the Code of West Virginia,
11 1931, as amended, relating to requiring a person restraining
12 a mentally ill or mentally challenged person in a "four point
13 restraint" to administer sedation by injection at the time the
14 patient is secured in the "four point restraint"; guidelines
15 for handling the patient after initial restraint and sedation;
16 and penalty for failure to sedate by injection upon use of the
17 "four point restraint."

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

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

21 **ARTICLE 2. MENTAL HEALTH FACILITIES.**

22 **§27-2-3. Rules as to patients.**

23 The director of health shall implement rules and regulations
24 as promulgated by the board of health in regard to the admission of

1 patients to mental health facilities, the care, maintenance and
2 treatment of inpatients, residents and outpatients of such
3 facilities and the release, trial visit and discharge of patients
4 therefrom.

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

10 Notwithstanding any provision in this chapter to the contrary,
11 the restraint technique known as the "four point restraint,"
12 whereby a patient's arms and legs are strapped down on a bed, may
13 not be used to restrain a patient unless the procedure is coupled
14 with an injection to sedate the patient at the time the patient is
15 secured in the "four point restraint." After the initial four
16 point restraint and sedation by injection, the following guidelines
17 should be adhered to in handling the patient:

18 (1) Once a patient awakens, the restraint should be undone;

19 (2) After initial restraint, the doctor should prescribe the
20 maintenance dose to cover highs and lows without need for further
21 restraint;

22 (3) Instead of a second injection, the patient should be
23 placed in a safe seclusion room;

24 (4) Safe seclusion by itself or with an injection should be

1 the first alternative, and the least restrictive; and

2 (5) Hospitals or facilities licensed to treat the mentally ill
3 or mentally challenged in this state should have a seclusion room
4 or rooms with padded walls and padded floors, and no beds or
5 furniture except for approved mattresses.

6 Any person using the "four point restraint" technique on a
7 patient who fails to provide sedation by injection upon securing
8 the patient in the "four point restraint" is guilty of a
9 misdemeanor, and upon conviction thereof, shall be fined \$5,000.

NOTE: The purpose of this bill is to require a person restraining a mentally ill or mentally challenged person in a "four point restraint" to administer sedation by injection at the time the patient is secured in the "four point restraint". The bill also provides guidelines for handling the patient after initial restraint and sedation and establishes a penalty for failure to sedate by injection upon use of the "four point restraint."

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