

2015 -- S 0727 SUBSTITUTE A

LC001262/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

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

Introduced By: Senator Gayle L. Goldin

Date Introduced: March 19, 2015

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 72.11

4 FREEDOM FROM PRONE RESTRAINT ACT

5 **42-72.11-1. Short title.** -- This chapter shall be known and may be cited as the "Freedom
6 from Prone Restraint Act."

7 **42-72.11-2. 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 **42-72.11-3. 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. "Covered facility" does not include any law enforcement department, the department
18 of corrections, the training school for youth, or the forensic unit at the Eleanor Slater Hospital.

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

5 **42-72.11-4. Use of restraints.** – No service provider of any covered facility may use a
6 prone restraint at any time.

7 **42-72.11-5. Training and policies.** – Each covered facility shall:

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

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

13 (i) Leadership towards organization change;

14 (ii) Use of data to inform practice;

15 (iii) Work force development;

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

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

18 (vi) Debriefing techniques and outcomes.

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

22 **42-72.11-6. Study commission.** – (a) A joint legislative study commission is hereby
23 created to study the restraint reporting requirements and training approaches of each of the
24 covered facilities and make recommendations to ensure that reporting is as uniform as possible
25 and appropriate data is collected to inform practice and policy decisions.

26 (b) The study commission will be comprised of sixteen (16) members: one member of the
27 house of representatives, to be appointed by the speaker of the house; one member of the senate,
28 to be appointed by the president of the senate; two (2) of whom shall be individuals restrained by
29 a covered facility or knowledgeable about restraint, one of whom to be appointed by the speaker
30 of the house and one of whom to be appointed by the president of the senate; two (2) of whom
31 shall be family members of individuals restrained by a covered facility or knowledgeable about
32 restraint, one of whom to be appointed by the speaker of the house and one of whom to be
33 appointed by the president of the senate; one of whom shall be the director of the department of
34 children, youth, and families, or designee; one of whom shall be the commissioner of the

1 department of elementary and secondary education, or designee; one of whom shall be the
2 director of the department of behavioral health care developmental disabilities and hospitals, or
3 designee; one of whom shall be the director of the Paul V. Sherlock center on disabilities, or
4 designee; one of whom shall the be director of the Rhode Island developmental disabilities
5 council, or designee; one of whom shall be the director of the Disability Law Center, or designee;
6 one of whom shall be the director of Bradley Hospital, or designee; one of whom shall be the
7 director of the Hospital Association of Rhode Island, or designee; one of whom shall be the
8 director of Butler Hospital, or designee; and one of whom shall be the director of the Groden
9 Center, or designee.

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

16 (c) Upon passage of this act, the members of the commission shall meet at the call of the
17 speaker of the house and president of the senate and organize and shall select, from among the
18 legislators, a chairperson.

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

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

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

25 (g) The commission shall report its findings and recommendations to the general
26 assembly no later than February 1, 2016, and said commission shall expire on June 30, 2016.

27 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 sixteen (16) 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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