HOUSE RESEARCH

Bill Summary

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Overview

This bill gives nursing facility residents, family members of residents who are not competent, and legal representatives the right to request and consent to the use of physical restraints. The bill provides that the commissioner of health is bound by the statement of medical symptoms in the physician's order, and clarifies the meaning of medical symptoms. These provisions are added to the Patient's Bill of Rights.

1 **Restraints.** Amends § 144.651 by adding subd. 33. (a) States that competent nursing facility residents, family members of residents who are not competent, and legal representatives have the right to request and consent to the use of a physical restraint in order to treat the medical symptoms of the resident.

(b) Requires facilities to provide information on alternatives to and the risks involved with physical restraint use. Allows a facility to provide a physical restraint only upon receipt of a signed consent form and an order from the attending physician that contains statements and determinations regarding medical symptoms.

(c) States that a facility is not subject to fines and other civil remedies and penalties, including correction orders, as a result of providing physical restraints as authorized by this subdivision.

(d) States that "medical symptoms" include a concern for the physical safety of the resident.

2 **Determination of compliance.** Amends § 144.651, by adding subd. 34. States that the commissioner of health, when determining nursing facility compliance with state and federal standards for the use of physical restraints, is bound by the statements and determinations in the attending physician's order regarding medical symptoms. States that for purposes of this order, "medical symptoms" include the request by a competent resident, family member of a resident who is not competent, or legal representative, that the facility provide a restraint to ensure the physical safety of the resident.