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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

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

Introduced By: Representatives Canario, Gallison, Tanzi, Lombardi, and Handy

Date Introduced: January 14, 2016

Referred To: House Health, Education & Welfare

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) "Covered facility" means any agency, organization, or public or private entity,  
12 regardless of the state agency under whose authority its license or certification is established, that  
13 provides support or care, residential support, education, healthcare, treatment, or direct  
14 supervision. "Covered facility" does not include any law enforcement department, the department  
15 of corrections, the training school for youth, or the forensic unit at the Eleanor Slater Hospital.

16 (2) Prone restraint" means a restraint or hold that limits or controls the movement or  
17 normal functioning of any portion, or all, of an individual's body while the individual is in a face-  
18 down position.

1 (3) "Service provider" means any person employed or contracted by a covered facility to  
2 provide support or care, residential support, education, healthcare, treatment, or direct  
3 supervision.

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

6 **42-72.11-5. Training and policies.** – Each covered facility shall:

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

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

13 (i) Leadership towards organization change;

14 (ii) Use of data to inform of best practices;

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 of each of the covered facilities and make  
24 recommendations to ensure that reporting is as uniform as possible and appropriate data is  
25 collected to inform practice and policy decisions.

26 (b) The study commission will be comprised of fourteen (14) members: one member  
27 of the house of representatives, to be appointed by the speaker of the house; one member of the  
28 senate, to be appointed by the president of the senate; two (2) of whom shall be individuals  
29 restrained by a covered facility or knowledgeable about restraint, one of whom to be appointed by  
30 the speaker of the house and one of whom to be appointed by the president of the senate; two (2)  
31 of whom shall be family members of individuals restrained by a covered facility or  
32 knowledgeable about restraint, one of whom to be appointed by the speaker of the house and one  
33 of whom to be appointed by the president of the senate; one of whom shall be the director of the  
34 department of children, youth, and families, or designee; one of whom shall be the commissioner

1 of the department of elementary and secondary education, or designee; one of whom shall be the  
2 director of the department of behavioral healthcare 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 be the 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; and one of whom shall be the  
7 director of the Hospital Association of Rhode Island, or designee.

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

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

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

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

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

23 (g) The commission shall report its findings and recommendations to the general  
24 assembly no later than February 1, 2017, and said commission shall expire on June 30, 2017.

25 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

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1           This act would prohibit the use of prone restraint in certain covered facilities licensed or  
2 certified by the state, and would create a study commission to study the restraint reporting  
3 requirements of covered facilities.

4           This act would take effect upon passage.

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