

Senate Bill No. 116—Committee on Human
Resources and Facilities

CHAPTER.....

AN ACT relating to persons with disabilities; prescribing the circumstances under which a secure facility for mentally disordered offenders may use mechanical restraint on clients who have disabilities; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, mechanical restraint may be used on a person with a disability who is a client of a forensic facility only if:

(a) An emergency exists that necessitates the use of the mechanical restraint;

(b) The client's behavior presents an imminent threat of causing physical injury to himself or to others or causing severe property damage and less restrictive measures have failed to modify the client's behavior;

(c) The client is in the care of the facility but not on the premises of the facility and mechanical restraint is necessary to ensure security; or

(d) The client is in the process of being transported to another location and mechanical restraint is necessary to ensure security.

2. If mechanical restraint is used pursuant to subsection 1, the forensic facility shall ensure that:

(a) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(b) A member of the staff of the facility continuously monitors the client during the time that mechanical restraint is used on the client;

(c) The record of the client contains a notation that indicates the time period during which the restraint was used and the circumstances warranting the restraint; and

(d) The mechanical restraint is used only for the period that is necessary.

3. Mechanical restraint may be used on a person with a disability who is a client of a forensic facility, and the provisions of subsections 1 and 2 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a client;

(b) Protect a client who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a client; or

(d) Position a client who has physical disabilities in a manner prescribed in the client's plan of services.

4. If mechanical restraint is used in an emergency on a person with a disability who is a client of a forensic facility, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

5. *As used in this section, "forensic facility" means a secure facility of the division for mentally disordered offenders and defendants who are ordered to the facility pursuant to chapter 178 of NRS.*

Sec. 2. NRS 433.545 is hereby amended to read as follows:

433.545 As used in NRS 433.545 to 433.551, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 433.5453 to 433.548, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 433.547 is hereby amended to read as follows:

433.547 "Mechanical restraint" means the use of devices, including, without limitation, mittens, straps, ~~and~~ restraint chairs, *handcuffs, belly chains and four-point restraints* to limit a person's movement or hold a person immobile.

Sec. 4. NRS 433.549 is hereby amended to read as follows:

433.549 A person employed by a facility or any other person shall not:

1. Except as otherwise provided in NRS 433.5493, use physical restraint on a person with a disability who is a client.

2. Except as otherwise provided in NRS 433.5496 ~~and~~ *and section 1 of this act*, use mechanical restraint on a person with a disability who is a client.

3. Except as otherwise provided in NRS 433.5503, use chemical restraint on a person with a disability who is *a* client.

Sec. 5. NRS 433.5496 is hereby amended to read as follows:

433.5496 1. Except as otherwise provided in ~~subsection 2,~~ *subsections 2 and 4*, mechanical restraint may be used on a person with a disability who is a client only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the client's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the client not later than 1 working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(e) The client is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the facility lessens or discontinues the restraint every 15 minutes to determine whether the client will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the client contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the client and the response of the member of the staff of the facility who applied the mechanical restraint;

(h) A member of the staff of the facility continuously monitors the client during the time that mechanical restraint is used on the client; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the client so that the client is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage.

2. Mechanical restraint may be used on a person with a disability who is a client and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

- (a) Treat the medical needs of a client;
- (b) Protect a client who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;
- (c) Provide proper body alignment to a client; or
- (d) Position a client who has physical disabilities in a manner prescribed in the client's plan of services.

3. If mechanical restraint is used on a person with a disability who is a client in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

4. The provisions of this section do not apply to a forensic facility, as that term is defined in subsection 5 of section 1 of this act.

Sec. 6. This act becomes effective upon passage and approval.