

Subject: Restraints and Seclusion

Page 1 of 2

Objective:

- I. To ensure the rights of each member to be free from unlawful restraints, isolation or seclusion used as a means of coercion, discipline, convenience or retaliation by all Tuality Health Alliance (THA) providers, and to establish a procedure for the investigation of complaints of improper use of restraints, isolation or seclusion.

- II. To ensure that THA providers have written policies describing the THA member's right against restraints and seclusion used as a means of coercion, discipline, convenience or retaliations specified in federal regulations. THA considers those rights when furnishing services to THA members.

Definition:

The definitions of the terms "manual restraint," "mechanical restraint," chemical restraint," "isolation" and "seclusion" shall be those that apply to each THA provider pursuant to state and federal laws and regulations.

Policy:

The use of chemical, manual or mechanical restraints, isolation and seclusion by THA providers shall be in accordance with all applicable federal and state laws and regulations, and established standards of good practice.

Procedure:

- I. THA will verify if necessary or as applicable that all providers have policies and procedures regarding the use of restraints that are consistent with the requirements that apply to those providers pursuant to state and federal laws and regulations.

- II. If a provider is not required to maintain a policy regarding the use of restraints and seclusion, THA requires the provider submit a written statement to that effect and sign a restraint and seclusion waiver.

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- III. On an annual basis, THA will request a copy of the provider's restraint and seclusion policy or restraint and seclusion waiver.
- IV. THA staff reviews the provider's policy to ensure that it:
 - A. Includes the most current member rights and responsibility language related to restraints and seclusion.
 - B. Contains the appropriate THA/DHS contract language
- V. If a policy does not exist, is incorrect or incomplete, a copy of THA's current policy is provided for reference.
- VI. Updated policies and procedures regarding the use of restraints and seclusion will be requested and reviewed at the time of initial credentialing and upon re-credentialing. During the re-credentialing process THA will review provider complaints for the inappropriate use of restraints and seclusion.

Reference: THA Policy VI-1 Member Rights and Responsibilities
42 CFR 438.100(b)(2)(v)
DMAP 2012 FCHP Contract Exhibit B Part III (h)

Formulated:	February 2010
Reviewed:	June 2012 June 2014 June 2016
Revised	July 2017