



## ADMINISTRATIVE RULES OF MONTANA



### **37.106.2904 USE OF RESTRAINTS, SAFETY DEVICES, ASSISTIVE DEVICES, AND POSTURAL SUPPORTS**

- (1) The application or use of a restraint, safety device, or postural support is prohibited except to treat a resident's medical symptoms and may not be imposed for purposes of coercion, retaliation, discipline, or staff convenience.
- (2) A restraint may be a safety device when requested by the resident or the resident's authorized representative or physician to reduce the risk of falls and injuries associated with a resident's medical symptoms and used in accordance with 50-5-1201, MCA.
- (3) To the extent that a resident needs emergency care, restraints may be used for brief periods:
  - (a) to permit medical treatment to proceed unless the health care facility has been notified that the resident has previously made a valid refusal of the treatment in question; or
  - (b) if a resident's unanticipated violent or aggressive behavior places the resident or others in imminent danger, in which case the resident does not have the right to refuse the use of restraints. In this situation:
    - (i) the use of restraints is a measure of last resort to protect the safety of the resident or others and may be used only if the facility determines and documents that less restrictive means have failed;
    - (ii) the size, gender, physical, medical, and psychological condition of the resident must be considered prior to the use of a restraint;
    - (iii) a licensed nurse shall contact a resident's physician for restraint orders within one hour of application of a restraint;
    - (iv) the licensed nurse shall document in the resident's file the circumstances requiring the restraints and the duration;
    - (v) a restrained resident must be monitored as their condition warrants, and restraints must be removed as soon as the need for emergency care has ceased, and the resident's safety and the safety of others can be assured; and
    - (vi) a licensed nurse must provide one on one supervision to a resident who has a restraint applied for the reasons listed in (3).
- (4) In accordance with the Montana Long-Term Care Residents' Bill of Rights, the resident or authorized representative is allowed to exercise decision-making rights in all aspects of the resident's health care or other medical regimens, with the exception of the circumstances described in (3) (b) .

- (5) Single or two quarter bed rails that extend the entire length of the bed are prohibited from use as a safety or assistive device; however, a bed rail that extends from the head to half the length of the bed and used primarily as a safety or assistive device is allowed.
- (6) Physician-prescribed orthopedic devices used as postural supports are not considered safety devices or restraints and are not subject to the requirements for safety devices and restraints contained in these rules.
- (7) Whenever a restraint, safety device, or postural support is used that restricts or prevents a resident from independent and purposeful functioning, the resident must be provided the opportunity for exercise and elimination needs at least every two hours, or more often as needed, except when a resident is sleeping.
- (8) All methods of restraint, safety devices, assistive devices, and postural supports must be properly fastened or applied in accordance with manufacturer's instructions and in a manner that permits rapid removal by the staff in the event of fire or other emergency.

**Authorizing statute(s):** 50-5-103, 50-5-226, 50-5-227, 50-5-1205, MCA

**Implementing statute(s):** 50-5-103, 50-5-226, 50-5-227, 50-5-1201, 50-5-1202, 50-5-1204, MCA

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**History:** NEW, 2002 MAR p. 3159, Eff. 11/15/02; AMD, 2022 MAR p. 1857, Eff. 9/24/22.