

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Pursuant to the authority of Iowa Code section 135H.10, the Department of Inspections and Appeals hereby amends Chapter 41, "Psychiatric Mental Institutions for Children (PMIC)," Iowa Administrative Code.

Chapter 41 is being amended to make restraints standards in PMICs consistent between the Department of Inspections and Appeals (DIA) and the Department of Education. DIA received this request from a citizen concerned about the use of prone restraints. DIA has met with the trade association and PMICs and has received no opposition to the prohibition of prone restraints.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 8657B** on April 7, 2010. No public comments were received. This amendment is identical to that published under Notice of Intended Action.

This amendment is intended to implement Iowa Code sections 135H.4 and 135H.5.

This amendment will become effective July 21, 2010.

The following amendment is adopted.

Adopt the following new rule 481—41.17(135H):

481—41.17(135H) Additional provisions concerning physical restraint. If a PMIC uses a physical restraint, the following provisions shall apply:

41.17(1) No employee shall use any prone restraints. For the purposes of this rule, "prone restraints" means those in which an individual is held face down on the floor. Employees who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take immediate steps to end the prone restraint.

41.17(2) No employee shall use any restraint that obstructs the airway of any resident.

41.17(3) If an employee physically restrains a resident who uses sign language or an augmentative mode of communication as the resident's primary mode of communication, the resident shall be permitted to have the resident's hands free of restraint for brief periods, unless an employee determines that such freedom appears likely to result in harm to self or others.

This rule is intended to implement Iowa Code sections 135H.4 and 135H.5.

[Filed 5/26/10, effective 7/21/10]

[Published 6/16/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/16/10.