

## Hospital Restraint/Seclusion Death Reporting Requirements

The Patients' Rights, Interim Final Rule, published July 2, 1999, requires at 42 CFR 482.13(f)(7) that a hospital must report to their Centers for Medicare and Medicaid (CMS) Regional Office (RO) any patient death that occurs while the patient is restrained or in seclusion for behavior management; e.g., for violent behavior toward self or others.

The Final Rule was published December 8, 2006 and states,

"The hospital must report the following information to CMS:

- (i) Each death that occurs while a patient is in restraint or seclusion.
- (ii) Each death that occurs within 24 hours after the patient has been removed from restraint or seclusion.
- (iii) Each death known to the hospital that occurs within 1 week after restraint or seclusion where it is reasonable to assume that use of restraint or placement in seclusion contributed directly or indirectly to a patient's death."

This publication expands on the previous reporting criteria, in that **any** restraints (medical surgical, post-operative, etc.) are now included in reporting considerations.

The deaths must be reported to the **RO prior to the close of business on the business day following the day of the patient's death.**

Due to the increased number of reports, a dedicated phone number for filing reports has been created. That number is **312.353.0390**.

The CMS RO contact for **questions** relating to hospital restraint/seclusion deaths remains Mai Le-Yuen at 312.353.2853.

The [Hospital Restraint/Seclusion Death Report Worksheet](#) has been revised in an effort to streamline the reporting process and administratively reduce burden on hospitals and Regional Offices (ROs). An abbreviated report will be permitted in all cases where a "Two Point, Soft Wrist Restraint" was used alone, without seclusion, chemical restraint, or any other type of physical restraint.

It is acceptable for hospitals to follow up their telephone report with more detailed information via faxed material (e.g., worksheet), if the hospital prefers and the RO agrees. **However, ROs may not require hospitals to complete and transmit a hard copy of the worksheet to the RO.** For hospitals that choose to report telephonically only, ROs must interview the person filing the report to obtain the required worksheet information.

Please call the Division of Licensing & Certification, Bureau of Health Systems, Michigan Department of Community Health, at 517-241-4160 if you have additional questions.