

networks
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Stefan, Susan – “Legal and Regulatory Aspects of Seclusion and Restraint in Mental Health Settings”

1. After the *Hartford Courant* reported on 148 deaths nationwide in ten years, Congress held hearings and passed legislation designed to prevent these occurrences. Between July 1999 and December 2001, however, the Center for Medicare and Medicaid Services received reports of 70 deaths in restraints from 24 states and Puerto Rico. Urban, P. (May 6, 2002). Deadly Control Rules Not Working. *Connecticut Post*.

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3. Interestingly, agencies and facilities that serve clients with developmental disabilities appear to be taking the lead in this area; the state of Maryland has banned the use of prone restraints in its DD facilities (but not its mental health facilities). However, some facilities for people with psychiatric disabilities, such as in Tennessee, have banned the use of prone restraints.

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9. *Comstock v. McCrary*, 273 F.3d 693 (6th Cir. 2001).
10. *Rennie v. Davis, supra*, 264 F.3d 86 (1st Cir. 2001).
11. *Andrews v. Neer*, 253 F.3d 1052 (8th Cir. 2001).
12. *Threlkeld v. White Castle Sys.*, 127 F.Supp.2d 986 (N.D. Ill. 2001).
13. *Rennie v. Davis, id., Lombardo v. Stone*, 2001 U.S.Dist.LEXIS 12340 (S.D.N.Y. Aug. 22, 2001) *24 n.8.
14. *Siepierski v. Catholic Health Initiative Mountain Region*, 37 P.2d 537 (Colo.App. 2001).
15. *Neilsen v. Clayton*, 62 F.3d 1419(table case), 1995 U.S.App.LEXIS 17126 (7th Cir. April 13, 1995), see also T.S. Corey, B. Weakley-Jones, et al, "Unnatural deaths in nursing home patients," 37 *Journal of Forensic Science* 222 (Jan. 1992)(noting that in four of seven unnatural deaths in nursing homes, attempts were made to conceal the cause and manner of death).
16. *Youngberg v. Romeo* identified a constitutional right to be free from unreasonable bodily restraint, which was violated if the use of restraint constituted a substantial departure from professional judgment. Recent litigation challenging restraint use on a systemic basis includes *Neiberger v. Hawkins*, 2001 U.S.App.LEXIS 3474 (10th Cir. March 8, 2001). Recent individual claims include *Pastorello v. City of New York*, 2001 U.S.Dist.LEXIS 19919 (S.D.N.Y. Dec. 4, 2001).
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