

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2665**

BY DELEGATES EVANS, A., AND ROMINE, R.

[Introduced February 22, 2017; Referred  
to the Committee on Health and Human Resources  
then the Judiciary.]

1 A BILL to amend and reenact §27-2-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring a person restraining a mentally ill or mentally challenged person in a "four-  
 3 point restraint" to administer sedation by injection at the time the patient is secured in the  
 4 "four-point restraint"; providing guidelines for handling the patient after initial restraint and  
 5 sedation; and establishing a criminal penalty for failure to sedate by injection upon use of  
 6 the "four-point restraint."

*Be it enacted by the Legislature of West Virginia:*

1 That §27-2-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
 2 to read as follows:

**ARTICLE 2. MENTAL HEALTH FACILITIES.**

**§27-2-3. Rules as to patients.**

1 The director of health shall implement rules and regulations as promulgated by the board  
 2 of health in regard to the admission of patients to mental health facilities, the care, maintenance  
 3 and treatment of inpatients, residents and outpatients of such facilities and the release, trial visit  
 4 and discharge of patients therefrom.

5 No patient under eighteen years of age in any state hospital shall be housed in any area  
 6 also occupied by any patient over eighteen years of age. Any patient adjudged by the chief  
 7 medical officer to have a likelihood of seriously harming others shall be confined in a secure area  
 8 of a health facility.

9 Notwithstanding any provision in this chapter to the contrary, the restraint technique known  
 10 as the "four-point restraint," whereby a patient's arms and legs are strapped down on a bed, may  
 11 not be used to restrain a patient unless the procedure is coupled with an injection to sedate the  
 12 patient at the time the patient is secured in the "four-point restraint." After the initial four-point  
 13 restraint and sedation by injection, the following guidelines should be adhered to in handling the  
 14 patient:

15 (1) Once a patient awakens, the restraint should be undone;

16 (2) After initial restraint, the doctor should prescribe the maintenance dose to cover highs  
17 and lows without need for further restraint;

18 (3) Instead of a second injection, the patient should be placed in a safe seclusion room;

19 (4) Safe seclusion by itself or with an injection should be the first alternative, and the least  
20 restrictive; and

21 (5) Hospitals or facilities licensed to treat the mentally ill or mentally challenged in this  
22 state should have a seclusion room or rooms with padded walls and padded floors, and no beds  
23 or furniture except for approved mattresses.

24 Any person using the "four-point restraint" technique on a patient who fails to provide  
25 sedation by injection upon securing the patient in the "four-point restraint" is guilty of a  
26 misdemeanor and, upon conviction thereof, shall be fined \$5,000.

NOTE: The purpose of this bill is to require a person restraining a mentally ill or mentally challenged person in a "four-point restraint" to administer sedation by injection at the time the patient is secured in the "four-point restraint". The bill provides guidelines for handling the patient after initial restraint and sedation and establishes a penalty for failure to sedate by injection upon use of the "four-point restraint." The bill establishes a criminal penalty.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.