

Introduced by Senator Chesbro

May 22, 2002

Senate Resolution No. 31—Relative to psychiatric facilities.

1 WHEREAS, Over 100,000 Californians are involuntarily
2 treated and an unknown number of others are voluntary patients
3 in psychiatric facilities each year; and

4 WHEREAS, National attention has recently focused on the high
5 risk of injury and death from the use of seclusion and restraints on
6 patients in psychiatric settings; and

7 WHEREAS, The Harvard Center on Risk Analysis has
8 estimated that 50 to 150 deaths occur nationally each year because
9 of improper use of psychiatric seclusion and restraints; and

10 WHEREAS, Federal reforms were enacted to regulate the use
11 of seclusion and restraints and reduce the harmful effects of these
12 interventions; and

13 WHEREAS, Protection and Advocacy, Inc., reports that despite
14 new federal reforms, since July of 1999, at least 14 people have
15 died and one has become permanently comatose while in seclusion
16 or restraints in psychiatric settings, and that the extent of other
17 injuries is unknown because California does not document those
18 injuries; and

19 WHEREAS, Oversight of the use of seclusion and restraints in
20 California’s psychiatric facilities involves many agencies, both
21 federal and state, and many differing rules, depending on facility
22 type, which results in confusion and lack of accountability in the
23 use of seclusion and restraints; and

24 WHEREAS, California lacks a mandatory and comprehensive
25 system for reporting the use of seclusion and restraints and the

1 effects of their use, including a system to document deaths, injuries
2 to staff and patients, frequency and duration of the use of seclusion
3 and restraints, and related conditions; and

4 WHEREAS, Other states have implemented state standards
5 regulating the use of seclusion and restraints, and the
6 commonwealth of Pennsylvania has developed a model program
7 in its nine state hospitals that has reduced the hours of seclusion
8 and restraints by 96 percent and the incidents of seclusion and
9 restraints by 74 percent, substantially reducing injuries to both
10 patients and staff; and

11 WHEREAS, Pennsylvania achieved these reductions by
12 implementing a system of comprehensive tracking of the use of
13 seclusion and restraints, training, emphasizing conflict diffusion,
14 public accountability, recognition and awards for reducing their
15 use, and other techniques, spending no new state dollars, but
16 reallocating existing funds for this purpose; and

17 WHEREAS, It is the intention of the California Legislature to
18 enact legislation to protect citizens when they are most vulnerable,
19 often held against their will, from injuries, trauma, and death
20 caused by isolating and restraining them in psychiatric settings;
21 now, therefore, be it

22 *Resolved by the Senate of the State of California, That the*
23 *Senate Select Committee on Developmental Disabilities and*
24 *Mental Health shall conduct hearings into California's standards*
25 *on the use of seclusion and restraints, oversight, and reporting*
26 *practices; into injuries, deaths, and trauma caused by the use of*
27 *seclusion and restraints; and into the best practices developed in*
28 *other states for reducing the use of seclusion and restraints in*
29 *psychiatric settings and the consequent harm to patients and staff*
30 *that results; and be it further*

31 *Resolved, That the Select Committee on Developmental*
32 *Disabilities and Mental Health prepare a report of its finding and*
33 *recommendations, and submit that report to the Legislature by*
34 *March 1, 2003, and be it further*

35 *Resolved, That the Secretary of the Senate transmit copies of*
36 *this resolution to the Senate Select Committee on Developmental*
37 *Disabilities and Mental Health.*

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