

Center for Medicaid and State Operations/Survey and Certification Group

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**DATE:** November 7, 2008

**TO:** State Survey Agency Directors

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** Release of Report: "Freedom from Unnecessary Physical Restraints: Two Decades of National Progress in Nursing Home Care"

**Memorandum Summary**

- This report evaluates the efforts to reduce the use of physical restraints after Congressional Passage of the 1987 Nursing Home Reform Act.
- Because of the hard work of practitioners, providers, advocates, and government agencies, the percentage of nursing home residents physically restrained daily substantially declined from 21.1 percent in 1991 to less than 5.0 percent in 2007.

Freeing nursing home residents from unnecessary restraints is one of the great success stories that developed from the 1987 Nursing Home Reform Act passed by Congress. Codified as section 1819 and 1919 of the Social Security Act, the landmark legislation declared that every nursing home must protect and promote the rights of each resident, including:

*"The right to be free from ... any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat the resident's medical symptoms."<sup>1</sup>*

When the Nursing Home Reform Act was adopted it was widely accepted to use restraints as an acceptable and widely-used option to manage the behavior of residents who wandered, were agitated, or who, in the view of treatment staff, simply needed to be restrained. However, the standard use of restraints was not supported by a body of research that found that physical restraints had serious negative effects. Such negative effects could include placing residents at risk of death from asphyxiation. Nor was the standard supported by a growing body of regulators, practitioners, providers, and advocates.

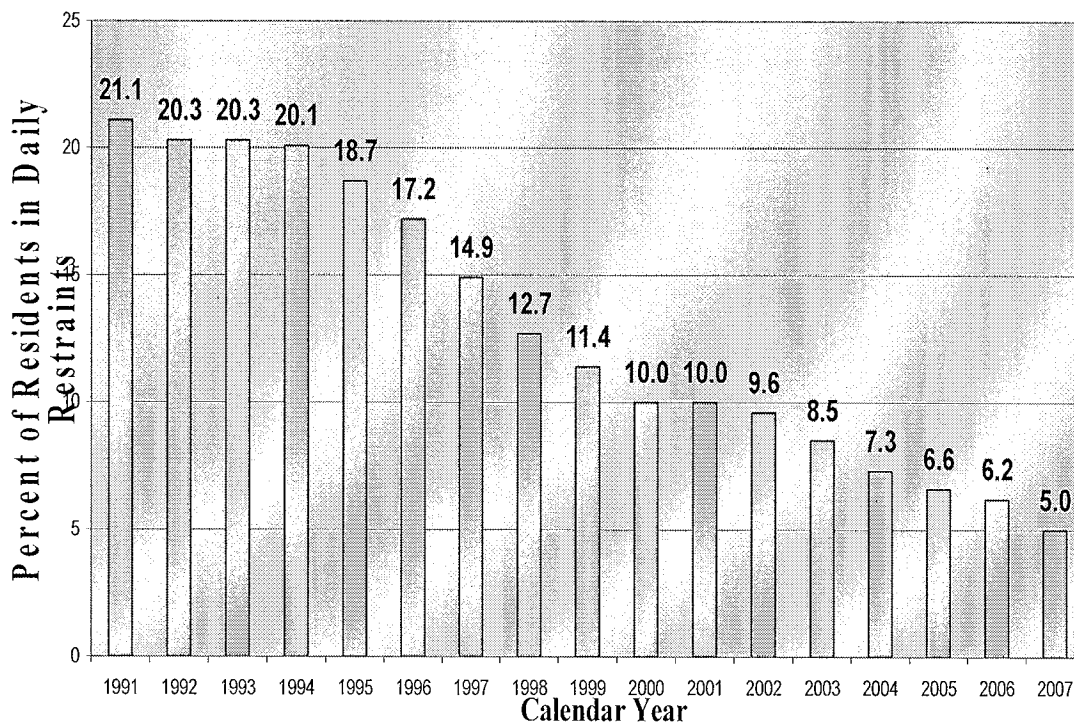
The 1987 law crystallized a growing consensus against the use of restraints throughout all sectors of nursing home service delivery, and eventually led to a complete change in how restraint use is viewed. Through the work of thousands of individuals in both nursing homes and in government, the use of physical restraints has largely been replaced with improved methods of care.

<sup>1</sup> Section 1819(c) (1) (A) (ii), and section 1919(c) (1) (A) (ii), of the Social Security Act.

Year after year, the Centers for Medicare & Medicaid Services (CMS)<sup>2</sup> and advocacy organizations, educators, and nursing homes implemented one initiative after another, building upon the earlier learning. And year after year, as nursing home staff learned more about the dangers of physical restraints and learned better methods of working with residents, the use of physical restraints declined.

The graph below portrays the substantial decline in the percentage of nursing home residents physically restrained daily, from 21.1 percent in 1991 to less than 5.0 percent in 2007 – and declining. We are delighted to share this report and hope that it will be helpful in understanding the progress made so far and our continuing efforts to prevent unnecessary physical restraints.

### Percentage of NH Residents in Daily Physical Restraints, United States 1991-2007



Source: CMS Survey & Certification Group Oscar and QM data from MDS

/s/  
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management  
Quality Improvement Organizations

Attachment: Freedom from Unnecessary Physical Restraints: Two Decades of National Progress in Nursing Home Care

<sup>2</sup> And its predecessor agency, the Health Care Financing Administration (HCFA)