



# COMMONWEALTH of VIRGINIA

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COMMISSIONER

DEPARTMENT OF  
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES  
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December 1, 2020

Dept. of Behavioral Health and Developmental Services  
Office of Human Rights  
P.O Box 1797  
Richmond, VA 23214-1797

Re: Reporting Annual Seclusion and Restraint Information for 2020

The Office of Human Rights recognizes the importance of the work your agency does and we appreciate your partnership in the assurance of rights on behalf of people with disabilities in our service delivery system. In accordance with 12VAC35-115-230 of the Human Rights regulations, licensed providers shall report each instance of seclusion or restraint or both during calendar year 2020 to the department by **January 15, 2021**.

This year, the Office of Human Rights has created a web-based form and licensed providers are being asked to enter **cumulative data**, for the total number of unique instances of seclusion and restraint or both between January 1 and December 31, 2020. Providers should submit a separate form for each licensed service. Providers with zero instances of seclusion or restraint should still submit a form, indicating zero instances. Failure to submit this information and failing to submit it on time may result in a Licensing citation.

Providers will receive the link, to access the form via email, per contact information on file with the Office of Licensing. After your form(s) are submitted, a representative from the Office of Human Rights may contact you for additional information.

Refer to the regulatory reporting requirements and definitions provided in this memo to ensure you are providing the required, accurate information. If you have any questions, please call or email your Regional Advocate using the contact information directly below:

Region 1 (Northwest)	Cassie Purtlebaugh	804-382-3889	<a href="mailto:cassie.purtlebaugh@dbhds.virginia.gov">cassie.purtlebaugh@dbhds.virginia.gov</a>
Region 2 (Capital)	Ann Pascoe	804-297-1503	<a href="mailto:ann.pascoe@dbhds.virginia.gov">ann.pascoe@dbhds.virginia.gov</a>
Region 3 (Southwest)	Mandy Crowder	434-713-1621	<a href="mailto:mandy.crowder@dbhds.virginia.gov">mandy.crowder@dbhds.virginia.gov</a>
Region 4 (Central)	Sharae Henderson	804-524-7479	<a href="mailto:sharae.henderson@dbhds.virginia.gov">sharae.henderson@dbhds.virginia.gov</a>
Region 5 (Tidewater)	Reginald Daye	757-253-7061	<a href="mailto:reginald.daye@dbhds.virginia.gov">reginald.daye@dbhds.virginia.gov</a>

## 12VAC35- 115 -230 Provider Requirements for Reporting

Providers shall collect, maintain and report the following information concerning seclusion and restraint.

The director of a service licensed or funded by the department shall submit an annual report [of] each instance of seclusion or restraint or both by the 15<sup>th</sup> of January each year, or more frequently if requested by the department.

Each instance of seclusion or restraint or both shall be compiled on a monthly basis and the report shall include:

Type or types, to include:

- Physical restraint (manual hold)
- Mechanical restraint
- Pharmacological restraint
- Seclusion

Rationale for the use of seclusion or restraint, to include:

- Behavioral purpose
- Medical purpose
- Protective purpose

Duration of the seclusion or restraint, as follows:

- The duration of seclusion and restraint used for behavioral purposes is defined as the *actual time* the individual is in seclusion or restraint from the time of initiation of [the] seclusion or restraint until the individual is released.
- The duration of restraint for medical and protective purposes is defined as *the length of the episode as indicated in the order*.

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## 12VAC35 – 115 – 30 Definitions

“Restraint” means the use of a mechanical device, medication, physical intervention, or hands-on hold to prevent an individual from moving his body to engage in a behavior that places him or other at *imminent risk*.

“Mechanical Restraint” means the use of a mechanical device that cannot be removed by the individual to restrict freedom of movement or functioning of a limb or a portion of an individual’s body when that behavior places him or others at imminent risk.

“Pharmacological Restraint” means the use of a medication that is administered involuntarily for the *emergency* control of an individual’s behavior when that individual’s behavior place him or others at imminent risk and administered medication *is not a standard treatment for the individual’s medical or psychiatric condition*.

“Physical Restraint, also referred to as a manual hold, means the use of a physical intervention or hands-on hold to prevent an individual from moving his body when that individual's behavior places [them] or others at imminent risk"

"Seclusion" means the involuntary placement of an individual alone in an area secured by a door that is locked or held shut by a staff person, by physically blocking the door, or by any other physical or verbal means, so that the individual cannot leave it.

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