

October 20, 2014

CCCA Local Human Rights Committee
c/o Commonwealth Center for Children and Adolescents
1355 Richmond Road
Staunton, VA 24401

RE: Public Comment – CCCA Draft Policy on the Implementation of the Emergency Restraint Chair

Dear Committee Members,

The disAbility Law Center of Virginia (dLCV) strongly opposes the implementation of the Emergency Restraint Chair (ERC) as proposed by the Commonwealth Center for Children and Adolescents (CCCA). dLCV's opposition is consistent with the position of Joan Gillece, of Substance Abuse and Mental Health Services Administration (SAMHSA). Although CCCA states the purpose of implementing the ERC at CCCA is to decrease retraumatization secondary to the usage of bed restraints, CCCA has stated that they will not discontinue the use of bed restraints for the adolescent population. The proposal to begin utilizing the ERC will, in fact, give CCCA an additional mechanism to restrain the youth it serves. Given that CCCA has been working with SAMHSA since 2008 to implement trauma-informed care and to reduce the use of seclusion and restraint by providing staff with other tools to prevent emergency situations that may end in restraint, the proposal to begin using the ERC is conflicting with CCCA's mission.

CCCA's leadership is responsible for creating a culture that supports patient's rights to be free from seclusion and restraint and patients have a right to receive care in a safe environment.¹ The use of restraint is inherently dangerous and all children and youth are at risk when restrained. Research continues to demonstrate that restraint and seclusion as behavioral management techniques are dangerous and actually cause the symptoms that it is supposed to treat. National trends oppose the use of seclusion and restraint, arguing that the use of seclusion and restraint has no therapeutic value, and therefore should not be utilized as treatment. Additionally, individuals with complex trauma histories consistently fail to develop the neurobiology capacity and structures necessary to process and modulate emotions in response to stress, resulting in retraumatization if seclusion and restraint are utilized.

The ERC specifically is a form of restraint not designed for treatment of individuals with mental illness nor developmental disabilities. The ERC was created and designed for use in adult maximum security settings, such as adult correctional facilities. Although other mental health institutions, such as Western

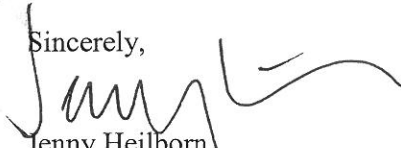
¹ CMS State Operations Manual – Appendix A – Survey Protocol, Regulations and Interpretive Guidelines for Hospitals

State Hospital (WSH) have begun to implement the ERC, to our knowledge, no facility responsible for treating children or youth has implemented this form of restraint in Virginia. There is no child or youth size of the ERC. This restraint is designed for usage with adults only. Given the aforementioned risks inherent with utilizing restraints, the specific use of the ERC with children and youth becomes more egregious when considering both sizing and other potential medical issues, such as asthma, obesity, etc.

As CCCA's Local Human Rights Committee, you have the authority to review proposed policies, such as CCCA's policy to implement the ERC, which could jeopardize the rights and safety of the children and youth receiving services at the facility. In conducting a review, you also have the authority to consult with any human rights advocate, employee of the provider, or anyone else, such as SAMHSA. Additionally, you have the authority to make recommendations to CCCA's Director concerning changes in plans, policies, procedures, and practices.² dLCV asks that you exercise your authority by reviewing CCCA's proposed policy on the use of the ERC, national best practices of treatment of youth, and make recommendations to CCCA's Director to prohibit the use of the ERC.

dLCV is available for further consultation as deemed appropriate by the Committee. Thank you for your thoughtful consideration of this matter.

Sincerely,



Jenny Heilborn
Disability Rights Advocate

² 12VAC35-115-250(D)(5)