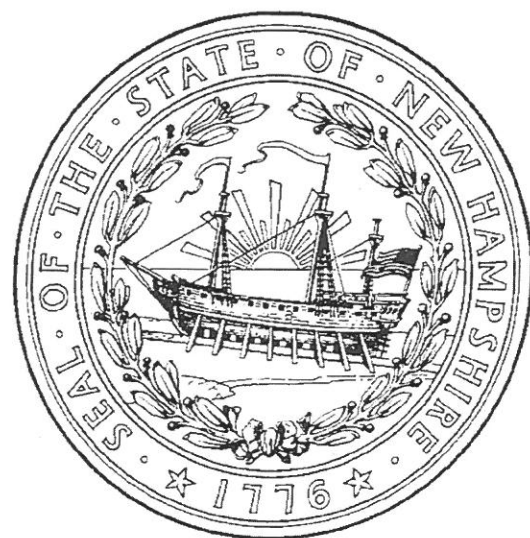


NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES



ANNUAL REPORT REGARDING CHILD RESTRAINT PRACTICES PURSUANT TO RSA 126-U
2014

I. SUMMARY

In 2010 the legislature passed SB 396, an act limiting the use of child restraint practices in schools and treatment facilities (Laws 2010, Chapter 375). Codified at RSA 126-U, the legislation prohibited the use of dangerous restraint practices in schools and treatment facilities, established certain notification requirements when a restraint is used and required that the Department report annually on the number and location of reported restraints as well as the status of any outstanding investigations.

As noted in previous reports, the statute as passed gave conflicting direction as to what constituted a reportable restraint. It broadly defined restraint but then provided a number of exceptions to that definition. As a practical matter, nearly all of the physical interventions that occur in facilities fell within one of the statutory exceptions and were accordingly excluded as reportable restraints.

In 2014, however, the legislature passed SB396 relative to child restraint practices (Laws 2014, Chapter 324). The bill addressed a number of issues with the original legislation by clarifying the definition of reportable restraint, amending the exceptions to that definition, making changes to the notification and reporting requirements and adding a prohibition to the use of seclusion in facilities. The statute became effective on September 30, 2014. With these changes, the Department anticipates that the reporting of restraint and seclusion going forward will more accurately reflect the extent of the use of these practices.

The Department continues to work with its providers to try and limit the use of restraint and seclusion. The Department assists with the development of facility policies as required by the statute, is standardizing restraint reporting formats and monitors and reviews compliance with the statute as part of a facility's certification process. The Department has also commenced the administrative rule making process as authorized by the statute. The administrative rule should help to further clarify the record keeping and reporting requirements for facilities and the process for the receipt and review of reports of restraint by the Department.

II. REVIEW OF RESTRAINT RECORDS¹

SUNUNU YOUTH SERVICES CENTER

| Month/Year | # of RSA 126-U Reportable Restraint Events | # of RSA 126-U Reportable Seclusion | # of RSA 126-U Reportable Secure Transportations | # of RSA 126-U Complaints or investigations of improper use of restraint | # RSA 126-U outstanding investigations of complaints or investigations of improper use of restraint |
|--------------|--|-------------------------------------|--|--|---|
| Nov-12 | 0 | 0 | 2 | 0 | 0 |
| Dec-12 | 0 | 0 | 1 | 0 | 0 |
| Jan-13 | 0 | 0 | 2 | 0 | 0 |
| Feb-13 | 0 | 0 | 3 | 0 | 0 |
| Mar-13 | 0 | 0 | 3 | 0 | 0 |
| Apr-13 | 0 | 0 | 1 | 0 | 0 |
| May-13 | 0 | 0 | 3 | 0 | 0 |
| Jun-13 | 0 | 0 | 2 | 0 | 0 |
| Jul-13 | 0 | 0 | 3 | 0 | 0 |
| Aug-13 | 0 | 0 | 0 | 0 | 0 |
| Sep-13 | 0 | 0 | 0 | 0 | 0 |
| Oct-13 | 6 | 19 | 0 | 0 | 0 |
| Total | 6 | 19 ² | 20 | 0 | 0 |

¹ The period under review is 11-1-13 through 10-31-14. Restraint reporting under the statute as amended by SB396 (Laws 2014, Chapter 324) began on 10-1-2014.

² 5 of the 6 reportable restraints also involved seclusion. Those 5 instances of seclusion are included in the number of reportable seclusions.

CERTIFIED RESIDENTAL TREATMENT FACILITIES

| Facilities/Location | # of RSA 126- U Reportable Restraint Events 11-1-13 through 9-29-14 | # of RSA 126- U Reportable Restraint Events 9-30-14 | # of RSA 126-U Reportable Restraint Events 10-1-14 through 10-31-14 | # of RSA 126-U Reportable Seclusion Events 9-30-14 | # of RSA 126-U Reportable Seclusion Events 10-1-14 through 10-31-14 | Outstanding Investigations |
|---|---|---|---|--|---|----------------------------|
| Cedarcrest Center for Children with Disabilities | 0 | 0 | 0 | 0 | 0 | 0 |
| The Chase Home For Children | 0 | 0 | 0 | 0 | 0 | 0 |
| Crotched Mountain Rehabilitation Center | 0 | 8 | 105 | 0 | 0 | 0 |
| Dover Children's Home | 0 | 0 | 0 | 0 | 0 | 0 |
| Easter Seals, Zachary Road | 0 | 4 | 142 | 0 | 42 | 0 |
| Easter Seals, Boys Intensive Residential Treatment Facility | 0 | 0 | 1 | 0 | 0 | 0 |
| Easter Seals, Krol House | 0 | 0 | 0 | 0 | 0 | 0 |
| Easter Seals, Lancaster | 0 | 0 | 13 | 0 | 5 | 0 |
| Malley Farm Boys Home | 0 | 0 | 0 | 0 | 0 | 0 |
| Mount Prospect Academy (Becket) | 0 | 3 | 12 | 0 | 0 | 0 |
| Nashua Children's Home | 53 | 8 | 11 | 0 | 0 | 0 |
| New England Salem Children's Trust | 0 | 0 | 2 | 0 | 0 | 0 |
| NFI North, Davenport School | 0 | 0 | 0 | 0 | 0 | 0 |
| NFI North, Midway Shelter | 3 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|--|--|--|--|---|--|-----------------------------------|
| Orion House, Inc. | 0 | 0 | 0 | 0 | 0 | 0 |
| Phoenix House Academy | 0 | 0 | 0 | 0 | 0 | 0 |
| Pine Haven Boys Center | 0 | 0 | 5 | 0 | 9 | 0 |
| St. Charles Children's Home | 0 | CLOSED | CLOSED | CLOSED | CLOSED | 0 |
| Spaulding Youth Center | 0 | 1 | 60 | 1 | 31 | 0 |
| Webster House | 0 | 0 | 0 | 0 | 0 | 0 |
| Wediko Children's Services, Wediko School | 0 | 0 | 8 | 0 | 0 | 0 |
| Vermont Permanency Initiative (East Haverhill Academy) | 0 | 2 | 10 | 0 | 0 | 0 |
| Facilities/Location | # of RSA 126- U Reportable Restraint Events 11-1-13 through 9-29-14 | # of RSA 126- U Reportable Restraint Events 9-30-14 | # of RSA 126-U Reportable Restraint Events 10-1-14 through 10-31-14 | # of RSA 126-U Reportable Seclusion Events 9-30-14 | # of RSA 126-U Reportable Seclusion Events 10-1-14 through 10-31-14 | Outstanding Investigations |

NEW HAMPSHIRE HOSPITAL - CHILD AND ADOLESCENT RESTRAINT EVENTS

| Month | # Restraint Events | # Completed Internal Investigation and Review | # Appeals or Complaints | External Review Pending |
|------------------------------|--------------------|---|-------------------------|-------------------------|
| November 2013 | 1 | 1 | 0 | 0 |
| December 2013 | 6 | 6 | 0 | 0 |
| January 2014 | 6 | 6 | 0 | 0 |
| February 2014 | 5 | 5 | 0 | 0 |
| March 2014 | 19 | 16 | 0 | 0 |
| April 2014 | 38 | 38 | 0 | 0 |
| May 2014 | 7 | 7 | 0 | 0 |
| June 2014 | 5 | 5 | 0 | 0 |
| July 2014 | 3 | 3 | 0 | 0 |
| August 2014 | 2 | 2 | 0 | 0 |
| September 2014 | 2 | 2 | 0 | 0 |
| October 2014 (thru 10/27) | 10 | 10 | 0 | 0 |

OFFICE OF THE OMBUDSMAN

The Office of the Ombudsman reports that it has received no reports of the inappropriate use of restraint during the period from November 1, 2013 through October 31, 2014.