



COMMISSIONER
Jon Weizenbaum

May 6, 2013

To: Home and Community-based Services Providers
Community-based Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions

Subject: Information Letter No. 13-20
Requirements for Evaluating the Use of Restraints

This letter updates Information Letter No. 13-20 Requirements for Evaluating the Use of Restraints published April 19, 2013, and clarifies the instructions are directed towards HCS providers and community-based ICF/IID only.

The purpose is to remind program providers of the Texas Department of Aging and Disability Services (DADS) requirements for evaluating the use of restraints.

Texas Administrative Code, Title 40 (40 TAC), Section 9.178 (p)(5) for Home and Community-based Services (HCS) and 40 TAC Section 9.229 (d) for Community-based Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICF/IID), require program providers to evaluate the use of restraints on an annual basis and identify program process improvements that will prevent the reoccurring use of restraints and improve service delivery.

As part of the annual evaluation, at a minimum providers must compare their rate of restraint to the aggregate data provided by DADS for emergency personal restraint, emergency mechanical restraint and emergency psychoactive medication restraint. For each of these, providers must calculate an annual rate by dividing the total number of restraints used in their program during the previous fiscal year by the average number of individuals served per month during the previous fiscal year September 1 to August 31.

The aggregate data is posted at:

- <http://www.dads.state.tx.us/providers/hcs/restraintdata.html> (for HCS); and
- <http://www.dads.state.tx.us/providers/icfmr/restraintdata.html> (for community-based ICF/IID)

DADS will post updated information for the previous fiscal year on its website in December of each year.

Sincerely,

[signature on file]

Lynn W. Blackmore
Director
Center for Policy and Innovation

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Veronda L. Durden
Assistant Commissioner
Regulatory Services