

## Combative Patient: Court Reviews Standards For Physical Restraint.

A developmentally disabled youth at the state school became combative with staff members who were insisting it was time for him to go to bed. He was restrained on the floor and strapped to a restraint board. After he was strapped down a nurse found him unresponsive and started CPR. Paramedics took him to the hospital where he was pronounced dead.

The Court of Appeals of Texas pointed out that the state school's own procedures for physical restraint called for the person to be held down on the floor in a side-lying position, with at least one staff member monitoring whether or not the patient was conscious and breathing.

Instead, in this incident the patient was placed on his back on a restraint board with one or more straps across his chest and/or diaphragm, which apparently made it impossible for him to breathe.

The Court ruled the boy's mother had the right to sue, assuming she could get a physician to write a report as a medical expert expressly stating that the straps across the chest were the actual mechanism which caused his death. Salais v. Dept. of Aging & Disability, \_\_ S.W. 3d \_\_, 2010 WL 3036482 (Tex. App., August 4, 2010).