

Patient Suicide (Continued).

appropriate to unlock the bathroom door to let the patient take a shower, not to go back and lock the bathroom door just because a physician goes into the room to interview the patient.

The nurse complied with the protocol in effect for fifteen-minute checks, and that was all the standard of care required.

No Res Ipsa Loquitur

Suicide Is Possible Without Negligence

Going hand in glove with the court's ruling on the standard of care, the court refused to apply the legal rule of *res ipsa loquitur*.

The court expressly ruled that patient suicide can happen in a hospital without any negligence by hospital personnel.

Res ipsa loquitur only applies to incidents that simply do not happen in the absence of negligence. An example where *res ipsa loquitur* would apply is when instruments or sponges are sewn up inside a surgical patient. The law says that is something that can only happen when there is negligence. The law excuses the patient of having to find proof of negligence when that happens. **Wuest v. McKennan Hospital**, 619 N.W. 2d 682 (S.D., 2000).

Restraint And Seclusion In Psychiatric Residential Treatment Of Individuals Under Twenty One: New Regulations From HCFA.

Effective March 23, 2001 new regulations apply to non-hospital psychiatric residential facilities that provide inpatient psychiatric services to Medicaid patients under age twenty one.

The new regulations establish standards that psychiatric residential facilities must have in place to protect the health and safety of young residents in the use of restraint or seclusion.

Psychiatric residential facilities are required to notify a resident, a parent or guardian of the facility's policy for use of restraint or seclusion in emergency safety situations.

The new regulations are very lengthy. We have placed the new regulations on our website at <http://www.nursinglaw.com/newHCFAreulations.htm>

FEDERAL REGISTER, January 22, 2001
Pages 7147 - 7164.

The Health Care Financing Administration has added the following:

Subpart G-Condition of Participation for the Use of Restraint or Seclusion in Psychiatric Residential Treatment Facilities Providing Inpatient Psychiatric Services for Individuals Under Age 21

483.350 Basis and scope.

483.352 Definitions.

483.354 General requirements for psychiatric residential treatment facilities.

483.356 Protection of residents.

483.358 Orders for the use of restraint or seclusion.

483.360 Consultation with treatment team physician.

483.362 Monitoring of the resident in and immediately after restraint.

483.364 Monitoring of the resident in and immediately after seclusion.

483.366 Notification of parent(s) or legal guardian(s).

483.368 Application of time out.

483.370 Postintervention debriefings.

483.372 Medical treatment for injuries resulting from an emergency safety intervention.

483.374 Facility reporting.

483.376 Education and training.

This is only the table of contents for the new regulations. **To read and download the full text of the new regulations go to our website at <http://www.nursinglaw.com/newHCFAreulations.htm>**

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