



Department of Health

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Executive Deputy Commissioner

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DHDTC DAL 19-06

Dear Hospital Chief Executive Officer:

As you are aware, hospitals are required to report a death associated with the use of restraints or seclusion directly to the Regional Office of the Centers for Medicare & Medicaid Services (CMS RO) in accordance with 42 CFR 482.13(g)(1). In response to recent inquiries as to where to send these reports, CMS has asked us to issue this reminder.

Hospitals must use Form CMS-10455 to report those deaths associated with restraint and/or seclusion that are required by 42 CFR §482.13(g) to be reported directly to the CMS RO. This requirement applies to all Article 28 and Article 31 hospitals, the rehabilitation or psychiatric units in Critical Access Hospitals (CAHs), and to Comprehensive Psychiatric Emergency Programs operated by Article 28 hospitals, State Psychiatric Center Inpatient programs, and Residential Treatment Facilities - Children & Youth. Hospitals and affected CAHs are not required to report deaths directly to the CMS RO when no seclusion has been used and when the only restraints used on the patient were applied exclusively to the patient's wrist(s) and composed solely of soft, nonrigid, cloth-like materials, as described in 42 CFR §482.13(g)(2). Rather, in such situations, the hospital staff must record information in an internal log or other system.

Form CMS-10455, "Report of a Hospital Death Associated with Restraint or Seclusion," may be downloaded from the following webpage: <http://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/Downloads/CMS10455.pdf>. The form must be emailed and faxed:

Email: RONYDSC@cms.hhs.gov

Fax: 443-380-8902

Reports must be made no later than close of business on the next business day following knowledge of the patient's death. Additional guidance, including details about the types of events that are reportable, may be found at the following link:

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Policy-and-Memos-to-States-and-Regions-Items/Survey-and-Cert-Letter-14-27-.html>

In addition to this federal requirement, patient death or serious injury associated with the use of physical restraints or bedrails while being cared for in a healthcare setting is also a reportable event to NYPORTS. It is intended to capture events where physical restraints or bedrails are implicated in the death or serious injury including, but not limited to, strangulation or entrapment. Events meeting this definition must be reported by facilities to NYPORTS within 24 hours of the date of awareness. A root cause analysis (RCA) is due for submission within 30 days.

Thank you for your attention to these important federal and State requirements.
Questions can be directed to (518) 402-1004 or sent by email to hospinfo@health.ny.gov.

Sincerely,

Deirdre Astin, Director
Division of Hospitals and
Diagnostic & Treatment Centers