



EFE FACT SHEET – Mental Health

SECLUSION IN MENTAL HEALTH FACILITIES IN ILLINOIS

Statutory References: 405 ILCS 5/1-126, 5/2-109; and the Center for Medicare and Medicaid Services (CMS) Rules

What Seclusion Is

- Seclusion means being alone in a room from which you cannot leave.

What Seclusion Is Not

- Restricting you to an area or a room that has been authorized as part of your treatment plan in response to certain behaviors is not considered seclusion.

Rules about Seclusion

- You may be secluded only in an emergency to prevent you from causing serious physical harm to yourself or to someone else.
- Seclusion may not be used unless less restrictive interventions have been tried and have failed to protect you and others from harm.
- You must be released from seclusion at the earliest possible time.
- Seclusion may never be used for coercion, punishment, discipline, or as a convenience for staff.
- Seclusion may be applied only by a person who has been trained. The training must include ways to help you regain self-control so that you do not hurt yourself or others.
- If secluded, you must be permitted to have regular meals and toilet privileges free from the seclusion, except when that freedom may result in physical harm to you or someone else.

Seclusion by Written Order

- Seclusion is to be used with a written order by a physician, clinical psychologist, clinical social worker or registered nurse with supervisory responsibilities.
- To order seclusion, a physician, clinical psychologist, clinical social worker or registered nurse with supervisory responsibilities must personally observe and examine you and be clinically satisfied that the use of seclusion is justified to prevent you from causing physical harm to yourself or others.
- A physician or other qualified person must observe and evaluate the need for seclusion within one hour of its start.
- The length of time you are secluded and the purpose of the seclusion must be promptly documented in your chart.

What an Order for Seclusion Must Include

- An order for seclusion must state the events leading up to the need for seclusion and the reason seclusion is being used.
- The order must also state the length of time you will be placed in seclusion and the clinical justification for that length of time.
- PRN (as needed) orders are **prohibited** as authorization for the use of seclusion.

Length of Time in Seclusion

- Seclusion may not last longer than four hours for adults, two hours for adolescents and children age 9-17, and one hour for children under age 9.
- At the end of the first seclusion period, if further seclusion is required, a new order must be written that complies with the requirements for the first order.
- Seclusion may be used during all or part of one 24-hour period that begins with the time the seclusion first started. However, once seclusion has been employed during one 24-hour period, it cannot be used again on you during the next 48 hours without written authorization from the facility director.

Face-to-Face Examination

- Qualified personnel must check on you while in seclusion at least once every 15 minutes and keep a record of these observations.
- A physician or other licensed independent practitioner must observe and evaluate the need for seclusion within one hour of its use.

Review of Seclusion Orders by Facility Director

- The person ordering the use of seclusion must notify the facility director within 24 hours, and the facility director must review all seclusion orders daily and question any person who routinely orders them.

Seclusion Room Requirements

- Safety precautions must be followed to prevent injuries to you while in the seclusion room, which must be adequately lighted, heated and furnished.
- If a door is locked, someone with a key must be constantly nearby.

Notification of Others of Seclusion

- Whenever seclusion is used, you must be advised of your right to have any person of your choosing notified, including the Guardianship and Advocacy Commission (GAC) or Equip for Equality.
- If you are under guardianship, you may request others be notified whether or not your guardian approves.
- Whenever GAC is notified that you have been secluded, it must contact you to determine the circumstances of the seclusion and whether further action by GAC is necessary.



DO YOU HAVE A QUESTION?

Contact Equip for Equality (all services are free of charge):

800.537.2632 (voice) or 800.610.2779 (TTY)

Contactus@equipforequality.org

www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

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