



STATE OF MARYLAND

DHMH

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Maryland Department of Health and Mental Hygiene

Office of Health Care Quality

Spring Grove Center • Bland Bryant Building

55 Wade Avenue • Catonsville, Maryland 21228-4663

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

To: All Maryland Hospitals

From: Patricia Tomsko Nay M.D. *ptn*  
Executive Director and Acting Medical Director

Date: May 30, 2014

Re: Reporting Requirements for Deaths in Restraint or Seclusion

The Centers for Medicare and Medicaid Services (CMS) require that all hospitals report the death of any patient who has died while in either restraint or seclusion and the deaths of all patients who have died within one week of the use of restraint or seclusion if it reasonable to assume that the restraint or seclusion contributed to the death. The attached letter from the Centers for Medicare and Medicaid Services, dated May 29, 2014, outlines the revised requirements for reporting and documentation. The attached form, CMS10455 (11/13), must be completed and faxed to CMS Region III office within one business day of the hospital becoming aware of the death. These reports are subject to review to determine if an investigation of the death by the Office of Health Care Quality will be authorized by CMS.

Additionally, please note that deaths that occur while patients are only in two-point soft wrist restraints are not required to be reported to CMS. These deaths should be reviewed by the hospital and recorded on a log that the hospital maintains. The log must be immediately available for review during complaint investigations and surveys.

Please note that reporting deaths of patients while in restraint or seclusion does not excuse the hospital from reporting Level 1 Adverse Events related to the use of restraint or seclusion to the Office of Health Care Quality as required by COMAR 10.07.06 Patient Safety Program.

Questions related to the CMS letter may be referred to Patricia McNeal of the Region III office at (215) 861- 4662. For inquiries regarding the requirements of the state of Maryland, you may contact Renee B. Webster at (410) 402-8090.

Attachment (1)

