

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Denver Regional Office
1961 Stout Street, Room 08-148
Denver, Colorado 80294



Western Division of Survey & Certification

Refer to: WDSC-RO8-lc

DATE: March 8, 2107

TO: State Survey Agency Directors

FROM: Lorena Crowley, Nurse Consultant
Certification and Enforcement Branch

SUBJECT: CMS RO8 – Reporting of Hospital **Death** Associated with Restraint or Seclusion

This memo is to provide clarification to hospitals regarding the reporting of **Death** Associated with Restraint or Seclusion

Pursuant to 42 CFR §482.13(g) and CMS S&C Memo 14-27 (see attachment), all hospitals (including rehabilitation or psychiatric distinct part units in Critical Access Hospitals) must use Form **CMS-10455** (11/13) to submit required reports **via fax at 443-380- 8868**. Current OMB approved CMS 10455 form is found at <https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/Downloads/CMS10455.pdf>

Please note that in 2012, CMS replaced the requirement that hospitals must report deaths that occur while a patient is **only** in soft, 2-point wrist restraints with a requirement that hospitals must maintain a log (or other system) of all such deaths. Therefore, there is no need for you to forward the report for 2-point wrist restraints only. This log must be made available to CMS immediately upon request if needed. We have indicated that the log is internal to the hospital and that the name of the practitioner responsible for the care of the patient may be used in the log in lieu of the name of the attending physician if the patient was under the care of a non-physician practitioner and not a physician. Please note that when reporting the use of mittens as restraint, please add “mittens” in section C.

The timeframe for reporting deaths to the CMS Regional Office is no later than the close of business on the next business day following knowledge of the patient’s death.

Hospitals should not call CMS to report a death. Please do not include any additional information or attachments to the required CMS form (Form **CMS-10455** (11/13) when faxing the report to the fax number above.

Contact: Questions regarding this death reporting guidance may be directed to CMS RO8 Denver Lorena Crowley, (303) 844-6091 or via email lorena.crowley@cms.hhs.gov. Please note that restraint death reports contain personal health information (PHI). Therefore, do not send restraint death worksheets to a personal email address, as it is a HIPAA violation.

Effective Date: March 8, 2017