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## Testimony in Opposition

### LD 759: An Act to Increase Patient Safety in Long-Term Care Facilities

Joint Standing Committee on Health and Human Services

April 1, 2025

Good afternoon, Senator Ingwersen, Representative Meyer and members of the Joint Standing Committee on Health and Human Services. My name is Nicole Marchesi. I am the Public Policy Advocate for the Maine Long-Term Care Ombudsman Program.

The Ombudsman Program provides statewide advocacy for older and disabled adults residents in nursing homes, assisted living and residential care, and for recipients of home care and participants in adult day services. Additionally, the program serves patients in hospitals that experience barriers in accessing long-term services and supports when they are ready for discharge.

I am here today providing testimony in opposition to this legislation that requires a long-term care facility to equip a resident's bed with side rails if the resident or the resident's legal guardian requests side rails or if the side rails are necessary for the resident's safety.

### **Use of Side Rails in Nursing Homes**

Side rails are considered a restraint when they are a barrier to the resident getting out of bed. They can only be used in a nursing home under specific circumstances. There are risks associated with the use of side rails including entrapment, falls, and increasing agitation for residents that are disoriented.

Assessment is required prior to using side rails in a nursing home. The facility must assess the risk for entrapment. This should include the resident's diagnosis, size and weight, sleep habits, cognition, mobility, and risk of falling.

Facilities must first attempt to use appropriate alternatives to side rails before installing them.

Examples of alternatives include roll guards, foam bumpers, lowering the bed, and using concave mattresses. The medical record should document the purpose for which the side rail is intended and evidence that alternatives were tried and unsuccessful.

The use of side rails requires ongoing monitoring and evaluation. The resident's record should include an ongoing evaluation of the need for the restraint.

In summary, at present, in nursing homes, side rails can only be used when there is an assessed need to treat a medical symptom or enhance functional independence after trying less restrictive alternatives, with informed consent, and under proper safety guidelines, including installation, maintenance, and regular review.

### **Use of Side Rails in Assisted Housing**

Full length side rails are considered a restraint and are not permissible in assisted housing. Half-length bed rails are permissible at the top of the bed. A full-length side rail can only be used against the wall.

Thank you for your consideration.