

## **Regarding Use of Physical Restraints**

This correspondence is in response to your letter dated October 7, 2000, asking for an opinion from the Kentucky Board of Psychology on an issue regarding the scope of practice of psychology and the use of physical restraints.

Please keep in mind that this correspondence is an opinion of the Board based solely on the facts you have presented, which will be summarized below. The Board has authorized this opinion to you as an Opinion and Declaratory Ruling pursuant to KRS 13A.130(3) and KRS 13A.010(2)(b) as the agency with jurisdiction to interpret the statutes and regulations in KRS Chapter 319 and 201 KAR Chapter 26 which govern the practice of psychology in the Commonwealth of Kentucky.

### **Introduction.**

The Board is presented with the question whether the practice of psychology includes issuing orders for physical restraints within a mental health care facility which treats patients who may be self-abusive. The entirety of the facts you have presented along with the specific question you ask are as follows:

Are licensed clinical psychologists who are employed in an intermediate care facility for mentally retarded adults, within the scope of their practice, able to write emergency orders for use of such protective equipment as mittens, wrist restraints and helmets if a client displays significant self-abusive behavior?

### **II. Whether the practice of psychology includes issuing orders for physical restraints.**

The Board would again resummmaryze your question as to whether the practice of psychology includes issuing orders for physical restraints in appropriate mental health facilities and for appropriate medical/psychological reasons.

KRS 319.010(3) defines the "practice of psychology."

"Practice of psychology" means rendering to individuals, groups, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, and psychotherapy; of constructing, administering, and interpreting tests of mental abilities; aptitudes, interests, attitudes, personality characteristics, emotion, and motivation. The application of said principles and methods includes, but is not restricted to: diagnosis, prevention, and amelioration of adjustment problems and emotional and mental and nervous disorders of individuals and groups; educational and vocational counseling; the evaluation and planning for effective work and learning situations; and the resolution of interpersonal and social conflicts.

As you can see from the definition of the practice of psychology, this includes: "any psychological service involving the application of principles and methods, and procedures of understanding, predicting, and influencing behavior[.]" Another relevant section of the definition of the practice of psychology includes: "The application of said principles and methods includes, but is not limited to: diagnosis, prevention, and amelioration of adjustment problems and emotional and mental and nervous disorders of individuals[.]"

Based upon the above relevant sections of KRS 319.010(3), the Board is of the opinion that the issuing of an order for physical restraints (such as mittens, wrist restraints, and helmets) is within the scope of the practice of psychology. Such authority would be found within the psychologist's ability to "influence behavior" and "prevent and ameliorate adjustment problems and emotional and mental and nervous disorders."

However, please be advised of the following limitations. First, the psychologist must follow the appropriate standard of care to determine when such a physical restraint is warranted which may not be limited only to the facts you have stated, that is, this function may not be limited to situations "if a client displays significant self-abusive behavior."

Second, a psychologist must also be competent in this area to perform these functions as allowed by law. Under 201 KAR 26:145 § 3 "Competence," "the credential holder shall limit practice . . . to the areas of competence in which proficiency has been gained through education, training, and experience."

Third, a psychologist in the employment of a licensed health care facility, such as an intermediate care facility for mentally retarded adults, must also obey all applicable rules and regulations governing how such a licensed health care facility may operate. For example, any employing entity may have its own employee policies which govern who may and may not perform such functions. You would be advised to determine what your employer may allow and what the licensed health care facility may allow.

In sum on this point, what the law may allow in KRS 319.010(3) and what an individual psychologist may be proficient to perform, as allowed by the psychologist's employing licensed health care facility, may not be the same.

## II. Conclusion.

As the agency authorized by the Kentucky General Assembly to regulate the practice of psychology in this state, the Board is empowered to interpret its statutes and regulations. In summary, the Board is of the opinion that a licensed psychologist may, within the scope of the practice of psychology, issue orders for physical restraints in appropriate mental health facilities and for appropriate medical/psychological reasons.

These acts are limited by the separate mandates that a psychologist only practice within the area of competence and proficiency gained through education, training, and experience. Individual employers and mental health facilities may have separately

applicable employment or facility policies that address which practitioners may have such employment duties and under what circumstances.