

# PUBLIC SUBMISSION

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(CMS-R-306) Condition of Participation - Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Psychiatric Services to Individuals under Age 21

**Comment On:** CMS-2022-0043-0001

(CMS-R-306) Condition of Participation - Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Psychiatric Services to Individuals under Age 21

**Document:** CMS-2022-0043-DRAFT-0002

Comment on CMS-2022-0043-0001

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## General Comment

Certainly, not all regulatory documents carry the para-societal weight that this particular example does. The discussion pertaining to "...improper use of restraint and seclusion can be dangerous to both people receiving treatment and to staff", with these alluded to scenarios occurring within a regulated psychiatric care facility, is quite simply not on the same level as that what is mentioned in the variety of documents of regulatory and associated categorization which are accessible to comment on within this website. (p.1) As such, the great responsibility, or rather the "...burden of reporting..." to ensure the physical safety of said patients must not be something of a compromise or negotiated agreement between two faithfully negotiating parties, but that of a particularly enfranchised group of individuals responsible for others with somewhat opposing status, in other words the caretakers and medical professionals responsible for the general safety of their psychiatric patients, as previously mentioned. Furthermore, in this decidedly abnormal relationship between individuals, it would be reasonable to assume legislative regulation such as the Social Security Act in which the provisions to adhere to would be unquestionably exhaustive and complete, to the best knowledge and ability of the legislature themselves. Beyond all language in the vein of "No payments or gifts will be given to respondents" that functions as no more than clarification, there is an expectation of responsible and true reporting of

data. As it turns out, this is mostly the case. True, the valuable data to be reported from this document follows after all the context-orient text, much in the same manner as this comment does, but that is merely a result of formatting. The estimations of monetary cost associated with meeting these regulations are dutiful and responsible, no matter a perceived appearance of stinginess. All of these vague assertions prove a somewhat meaningful amount of worth to this document, but it would not be beneficial to exclusively frame it as a work of wholly benevolent creation. As such, worth mentioning is the very last statement of this document, namely that “This collection does not employ statistical methods”, which is entirely unclear in its meaning. Yes, estimation of total hourly wage plus implied overhead cost and benefits to an employee within the amount of time spent in order comply with the implicated regulatory stature, as displayed on pages 5 through 11 of the documents, but it is worth asking; What is the power of an estimated capital figure in a document such as this? Is it in conflict with the assumed nature of this estimation, an imperfect calculation designed to portray these expenses as something more than they are, as if every task shall be taken down on payroll? I’m not so sure any of that makes sense, but perhaps a closer examination of the language used in this document could clarify for all possible parties. In conclusion, while this regulatory statement does its job succinctly, there is an amount of uncertainty regarding some mathematical figures, and I do not entirely know what significance this might hold.