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FOR IMMEDIATE RELEASE

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**U.S. ATTORNEY'S OFFICE REACHES AGREEMENT WITH
HOSPITAL TO RESOLVE FAILURE OF CARE ALLEGATIONS
STEMMING FROM IMPROPER USE OF PATIENT RESTRAINTS**

PHILADELPHIA – United States Attorney Patrick L. Meehan today announced the first of its kind civil settlement with Central Montgomery Medical Center (CMMC), a hospital located in Lansdale, PA, and the hospital's management company, UHS of Delaware, Inc. The settlement agreement, which is the first of its kind in the nation, addresses failure of care claims based upon alleged violations of regulatory requirements pertaining to physical and chemical restraints at the medical center that ended with the death of a restrained elderly patient in 2002. CMMC has agreed to pay the government \$200,000 and to hire a consultant to review restraint usage at the hospital as part of the agreement.

CMMC has denied any wrongdoing in agreeing to the settlement.

In August 1999, CMS implemented federal regulations that addressed the ordering and use of physical and chemical restraints for medical/surgical purposes and for behavioral health management. Among other requirements, these regulations mandate less restrictive alternatives must be offered prior to the use of restraints and the procedures that must be followed when implementing a physician's order for restraints. These requirements are contained in the patients' rights section of the Medicare conditions of participation for hospitals.

The government alleged that from February, 2002 through August, 2002, CMMC knowingly billed the government for numerous patients that were improperly physically and/or chemically restrained in violation of federal law and regulation in violation of the federal False Claims Act.

"This case and 20 years of research show that restraints can lead to tragedy and we want to make sure providers use them as a last resort. Patients and their families deserve every precaution," said Meehan. "CMMC has taken significant steps in reducing restraint usage at the medical center. We hope that other hospitals will review carefully the procedures followed prior to as well as after the decision is made to place a patient in a physical restraint or to administer a chemical restraint."

The case was investigated by the HHS-Office of Inspector General and has been assigned to Assistant United States Attorney David R. Hoffman.

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