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Office of the Secretary
Consumer Product Safety Commission
Room 820
4330 East West Highway
Bethesda, MD 20814

RE: Adult Portable Bed Rail Petition, Docket No. CPSC-2013-0022

Submitted electronically: www.regulations.gov

The National Consumer Voice for Quality Long-Term Care (Consumer Voice) commends the CPSC for docketing the petition that we and 61 other groups filed with the Commission regarding adult portable bed rails. We appreciate the opportunity to submit these comments and urge the CPSC to issue mandatory standards or ban bed rails to address the hazards they pose to consumers.

The Consumer Voice is a national non-profit organization that advocates on behalf of recipients of long-term care in all settings. Our membership consists primarily of consumers of long-term care services, their families, ombudsmen, individual advocates, and citizen advocacy groups. For more than 38 years, the Consumer Voice has promoted quality care and consumer protection through legislative reforms, policy advocacy, and consumer and public education.

The Consumer Voice strongly supports the petition to develop mandatory standards for adult portable bed rails or to ban them if they cannot be made safe. Our reasons are outlined below.

Dangers of bed rails

The dangers of bed rails that are part of a bed system are well documented:

- Entrapment between the bed rail and the mattress
- Entrapment between the rails
- Entrapment between the headboard or footboard, side rail and mattress
- Falling from climbing over rails

Entrapment or falls can result in:

- Death from strangulation or suffocation

- Injuries such as skin bruising, abrasions, cuts
- Circulatory impairment
- Fractures

Adult portable bed rails pose similar dangers of rail entrapment and falls from individuals climbing over rails and sustaining similar injuries such as abrasions, fractures, lacerations and contusions (CPSC memorandum, October 11, 2012).

What consumers say about the dangers of bed rails

Below are just a few of the comments we received from consumers about the dangers of bed rails.

I have been in a nursing home and had to have a prescription to have bed rails to allow me to safely get out of bed. I realized why they were not allowed but we need to have access to safe and effective means to protect us from being stuck in bed. I also was used to a larger bed and could easily roll out onto the floor without some barrier that I could control on the side of the single beds.

During a period of about 6 years I was a Nursing Home resident. I've seen first hand the bruises, and bumps residents have suffered because of rails that are too bulky, and not padded. Even the spacing between the bars matters because if there's enough room between the bars a person can choke themselves or even attempt suicide. I've seen Nursing Home residents try to kill themselves by using these unsafe side rails more than once. I will gladly sign this petition.

My mother elected to rest on her bed in her nursing home room. I stepped out of the room for less than 2 minutes only to find staff running toward my mother's room. My mother was 100 percent mobile at admission. She had no history of falls. She fell from the bed to the hardwood floors. I suspect mother became tangled in the bed rails (4 of them) which CBA's continually told me to keep up when mom was in bed. My mother had no history of falling out of bed (history of such falls require protection such as lowering the bed not the use of bed rails).

I had heard about the danger of bed rails but never really focused on it until my mother went into a nursing home and fell out of bed. As scary as that was, I soon realized how glad I was that her nursing home knew better than to use bed rails along the length of her bed, since she almost surely would have gotten tangled up in them, if they had been there, and wound up with much worse than a bruised wrist. Since then, several people have recommended bed rails to me as the solution to her continued risk of falling, making me aware of the need for better public education and laws to prevent further injuries and deaths.

My deceased husband climbed over the rails and fell on the floor injuring his ribs. This should have been preventable!

The gentleman I care for has Parkinson's, and when he became entangled in the rails could not call loud enough for help. Fortunately I found him in time, and before harm was done. But he is scared of them now.

Additional dangers of adult portable bed rails

Adult portable bed rails pose the same risks of death and injury as bed rails included in a bed system (see above), yet are arguably even more dangerous to consumers for the following reasons:

- Unlike hospitals and nursing homes, there are no regulations limiting the use of bed rails.
- There is no staff around the clock to monitor the individual.
- There is no outside entity such as a state survey agency or Joint Commission providing oversight.
- Family members themselves assemble and install the bed rails.
- There are frequently no warning labels or information about potential risks.
- There is no nursing staff on the premises to assist if the consumer becomes entrapped or falls.
- Any consumer can purchase a portable bed rail without needing a doctor's order.
- The bed rail can move away from the mattress.

Petition

As stated earlier, the Consumer Voice strongly supports mandatory standards or a ban on adult portable bed rails if they cannot be designed or regulated to prevent entrapment.

Mandatory standards

The mandatory standards for adult portable bed rails should require a product redesign that includes at least the following requirements:

- Elimination of gaps between the mattress and the bed rail and between rails.
- Testing to ensure that adults can safely use bed rails on the range of mattresses available on the market.
- Warnings that the product can result in death to strangulation and suffocation. Warnings must be included on the product, including component parts, and the retail packaging. These warnings must be permanent. And written in language that consumers can easily understand. A phone number for reporting injuries or deaths to the CPSC must also be permanently affixed to component parts.
- Instructional literature that is easy to understand, includes illustrations and figures and makes it clear when the bed rails have been misassembled and/or misinstalled.
- Labeling that addresses for whom the bed rails are intended and the intended use of the bed rail. Labeling must state the bed rail is never to be used with older adults with dementia.

- Testing to make sure the bed rail hardware is permanently attached, and that the components cannot be assembled in an unsafe manner

We echo the comments of William Hyman, Professor Emeritus in the Department of Biomedical Engineering at Texas A&M University,: **At a minimum a mandatory standard is needed that will establish objective evidence that a rail is reasonably safe, including on what kind of beds and as they may likely be installed and maintained. Only rails that are consistent with such a standard should be available for sale. Dangerous rails need to be removed from use as well as from sale so that they do not continue to kill people.**

Ban

If objective evidence indicates that a rail cannot be made reasonably safe on the kinds of beds on which they would be used and under the circumstances in which they would most likely be installed and maintained, the Consumer Voice urges CPSC to ban these bed rails.

Thank you for your consideration of these comments.

Sincerely,



Sarah F. Wells
Executive Director



Robyn Grant
Director, Public Policy & Advocacy

And the following national and state organizations:

National

OWL - The Voice of Midlife and Older Women

Alaska

Alaska Office of the State Long-Term Care Ombudsman

California

Ombudsman Services of Northern California

District of Columbia

Stoddard Baptist Nursing Home

Georgia

Atlanta's John Marshall Law School

Kentucky

Nursing Home Ombudsman Agency of the Bluegrass

Maine

Maine Long Term Care Ombudsman Program

Maryland

Family Council of Ellicott City Health & Rehabilitation Center

Michigan

Grand Traverse Area Parkinson's Support Groups

Ombudsman Program, Northwest Michigan

New York

ALTY (Adding Life to Years) New York

Long Term Care Community Coalition

North Carolina

Our Mother's Voice

Oregon

Project DART (Disability Awareness Resource Team)

South Carolina

Our Mother's Voice

Vermont

Vermont Long Term Care Ombudsman Project

The National Consumer Voice for Quality Long-Term Care (formerly NCCNHR) is a 501(c) (3) nonprofit membership organization founded in 1975 by Elma L. Holder that advocates for quality care and quality of life for consumers in all long-term-care settings.