

TELEPHONE CALLS - - RIGHT TO MAKE AND RECEIVE

THE LAW

Each patient shall..."Have reasonable access to a telephone to **make and receive telephone calls** within reasonable limits." § 51.61(1)(p), Wis. Stats. [Emphasis added.]

"(1) **Inpatients** shall be allowed **reasonable access** to a **telephone** to **make and receive a reasonable number** of telephone calls as authorized by s. 51.61(1)(p), Stats., and this section.

(2) Patients shall be permitted to **make an unlimited number** of private telephone calls to **legal counsel** and to **receive an unlimited number** of private telephone calls from **legal counsel**.

(3) (a) Except as provided in par. (b) each inpatient shall be permitted to make a **reasonable number** of private, personal calls. The **number and duration** of the calls **may be limited** for **legitimate management reasons**, but the facility shall provide every patient the opportunity to make **at least one private, personal telephone call per day**.

(b) This subsection does not prohibit a **facility** under **s. 980.065**, Stats., from **recording** patients' personal telephone calls or monitoring the resulting recordings.

(4) **Inpatients** who have been determined **indigent** under a facility's operating policies shall be permitted to make telephone calls under sub. (2), and at least one private, personal call per day **free of charge**.

(5) Treatment facilities shall provide the **number of regular or pay telephones necessary to meet requirements of this section**, subject to restrictions imposed by local telephone companies regarding installation of pay telephones."

DHS 94.20, Wis. Admin. Code [Emphasis added.]

[NOTE: This right may be limited or denied for cause under Sec. 51.61(2), Stats. See the **CRLD** (Client Rights Limitation or Denial) section in this Digest.]

DECISIONS

1. An inpatient was in a meeting with staff when his mother called. Staff who answered the phone told her to call back later. The patient was **never informed** of the **phone call** from his mother. To inpatients, calls from family and friends are an important link to the outside world. **Patients should be informed of all calls**. The failure to so inform the patient here, even if it was unintentional, was a **violation** of his rights. (Level III decision in Case No. 99-SGE-05 on 10/4/00, appeal dismissed at Level IV -- See Entry 2, below.)

2. Where a Level III decision found that the patient's **right** to make and receive a reasonable amount of phone calls **was violated**, the complainant's **appeal** to Level IV on that issue was **dismissed**. (Level IV decision in Case No. 99-SGE-05 on 3/29/02)
3. The **restriction of cell phone use on program premises was not arbitrary**. The clinic has to ensure that patients' **confidentiality** is protected. Cell phones can and have been used to record and then post to the Internet video of patients in the clinic waiting room. (Level III decision in Case No. 10-SGE-13 on 3/03/11)

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