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)