

4. Suggestions for Policy Language and Forms
 - Services Suited to Condition – Standards of Care
 - Abuse I - Sexual Incident form
 - Abuse III – Threaten, Degrade
 - Dignity & Respect
 - Personal Property Protection - Property Waiver
 - Video Surveillance in an Inpatient LPH/U
 - Computer Use on an Inpatient Unit (memo)
 - Voluntary Admission form (DCH-0086)
 - Adult Intent to Terminate Form (DCH – 2419)
 - Guidelines for Attorneys in the Civil Commitment Process
 - Explanation of Involuntary Process (see Chapter 4) 2 examples

State of Michigan
MICHIGAN DEPARTMENT OF COMMUNITY HEALTH
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To: Deborah Hockin, Recipient Rights Advisor
St. Joseph Mercy Oakland

From: Dianne Baker, J.D., Director of Operations
Office of Recipient Rights

Subject: Patient Access to Computers

You have asked whether individuals receiving treatment on an inpatient unit of a licensed psychiatric hospital have the right to access a computer in order to communicate via electronic mail and to conduct personal and business affairs.

Although the Mental Health Code and Administrative Rules do not specifically address a right to computer access, the rights to communication, information, news and to conduct personal and business affairs are specifically addressed and provide a supporting foundation to the right to computer access.

MCL 330.1702 states that any form of admission to a psychiatric hospital, including by judicial order, shall not be used to deprive an individual of his/her rights, benefits or privileges.

MCL 330.1726 indicates that a resident/patient is entitled to unimpeded, private and uncensored communication with others by "mail". This section of the Code was initially effective August 6, 1975, long before the advent and literally universal use of electronic means of communication, specifically e-mail. §726 also requires that the hospital endeavor to implement this right by ensuring that "correspondence" can be conveniently and confidentially received and mailed. The right to communicate by mail cannot be limited except as authorized in the patient's individual plan of service, excluding from limitation any communication by mail with the patient and his/her attorney, a court or other individuals if that communication involves matters that are or could be the subject of legal inquiry.

Any patient also has the right under Administrative Rule 330.7139 to entertainment materials, information and news. The internet is the primary means utilized by the majority of the population to access information, view entertainment items and to read the news. In fact, most newspapers in the country and in Michigan are no longer published daily in print but instead are available only on-line through the internet. R 7139 requires that the hospital establish written policies and procedures that provide for, among other things, determining a patient's

interest in, and provision of, a daily newspaper. This can be easily accomplished through providing the patient access to a computer. This right to entertainment materials, information and news may only be limited if the limitation is specifically approved in the patient's individual plan of service.

Lastly, Administrative Rule 330.7009 Civil Rights states that a recipient "shall be permitted, to the maximum extent feasible and in any legal manner, to conduct personal and business affairs and otherwise exercise all rights, benefits and privileges not divested or limited." (Please refer to the language of §702 of the Mental Health Code cited above.)

In summary, it is the position of this office that your hospital should afford computer access to its patients in order that they may exercise their rights to communication/correspondence, to entertainment materials, information and news and to conduct personal and business affairs.

cc: Rita Stockman
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