

EXERCISE AND RECREATION

THE LAW

Each patient shall... "Have a right to a **humane psychological and physical environment** within the hospital facilities..." § 51.61(1)(m), Wis. Stats. [emphasis added]

"Each patient shall have an opportunity for **reasonable and regular access to facilities for physical exercise** and shall have an opportunity for access to a variety of appropriate **recreational facilities** away from the living unit to the extent possible, except for any **limitation** that may be necessary for documented individual **security** or **safety** reasons." DHS 94.24(3)(f), Wis. Admin. Code [emphasis added]

"Each patient shall be provided with an opportunity to be **out of doors** at **regular and frequent intervals**, with supervision as necessary, except when health reasons indicate otherwise or documented individual **security reasons** indicate otherwise." DHS 94.24(3)(g), Wis. Admin. Code [emphasis added]

DECISIONS

1. A patient was receiving services at a Community Based Residential Facility (CBRF) under a Court's commitment order and involuntary medication order. The patient wanted to be discharged. **All patients have the right to participate in their treatment plan and to receive the least restrictive treatment possible.** While the grievance was pending, the patient gained the ability: (i) to have supervised visits outside of the CBRF, (ii) to have access to the CBRF's exercise equipment, (iii) to receive transportation to another CBRF to use their exercise equipment, (iv) to cook and (v) to access to the library. The patient's **request to be discharged was not granted because there was a court order in place requiring her to receive inpatient care.** The Provider followed the Court's order, consequently, the patient's continued placement was not a violation of the grievant's right to participate in her own treatment or her right to the least restrictive treatment. (Level IV decision in Case No. 15-SGE-0001 on 10/17/2016)
2. A mother/guardian complained, on behalf of her adult son about a number of his rights having been violated at a day treatment service provider. **The provider's decision not to take the participant to the YMCA was found to be a logical and reasonable conclusion, due to his privacy needs,** and did not violate the participant's right to adequate treatment since there were alternative means for him to experience community in the day treatment center. (Level III Grievance Decision in Case No. 19-SGE-02, upheld at Level IV)

[See: "Introduction to Digest-Date Last Updated" page]