

MANAGEMENT OF FACILITIES

LAW

“Patients have the right to be free from having **arbitrary decisions** made about them. To be non-arbitrary, a decision about a client must be **rationally based** upon a **legitimate** treatment, **management** or security interest.”

DHS 94.24(3)(h), Wis. Admin. Code [Emphasis added.]

DECISIONS

1. A man complained on his wife’s behalf that **she was given a new therapist without consulting her first**. A treating **facility has the right to change therapists for business management reasons**. It is **good practice to consult with the patient** first, but it **does not rise to the level** of a rights violation **not to do so**. (Level IV decision in Case No. 02-SGE-07 on 3/10/04, reversing the Level III decision)
2. A grievant claimed that a strip search conducted upon her admission was improperly performed by staff at an inpatient psychiatric hospital. The grievant claimed that she never would have signed a statement agreeing to voluntary admission if she had been warned that the strip search would be required. The search was not technically part of the patient’s treatment as treatment is defined in applicable statutes. Such a search was most likely done to meet safety and management needs. **If a person were able to enter into an inpatient psychiatric hospital with weapons or drugs the safety of all patients would be compromised. Therefore the right to informed consent was not violated because informed consent relates to treatment, not policy**. (Level III decision in Case No. 15-SGE-0008 on 6/16/2016)

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