

PRIVACY IN TOILETING AND BATHING

THE LAW

Each patient shall... "Have reasonable protection of **privacy** in such matters as **toileting and bathing**." § 51.61(1)(s), Wis. Stats. [Emphasis added]

"**Upon request** of the patient, the legal guardian of an incompetent patient or the parent of a minor, **staff of the same sex** shall be available to assist the patient in toileting or bathing." DHS 94.24(2)(i)2, Wis. Admin. Code [Emphasis added]

[NOTE: This right may be limited or denied for treatment or security reasons following the Client Rights Limitation or Denial process. See **CRLD** section of this digest. See also the **Privacy – Other** section of this digest.]

DECISIONS

1. 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. **It is not a rights violation for a provider to change the location or population of people that it serves and, in turn, change the accommodations that are reasonably available to participants.** Thus, no rights violation was found of the participant's right to privacy in toileting. (Level III Grievance Decision in Case No. 19-SGE-02, upheld at Level IV)
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. A change from a **one-person bathroom to a shared bathroom could occur at any day treatment center and is not considered overly restrictive treatment for day treatment participants**, thus the participant's right to least restrictive treatment was not found to have been violated. (Level III Grievance Decision in Case No. 19-SGE-02, upheld at Level IV)

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