

CALIFORNIA

Mental Hygiene,
Dept. of

RULES

AND

[Misc. publication **R**]

REGULATIONS

LIBRARY

UNIVERSITY OF CALIFORNIA
SANTA BARBARA

JUL 1 - 1966

GOVT. PUBLICATION

For All
Employees



STATE OF CALIFORNIA
DEPARTMENT OF MENTAL HYGIENE

RULES AND
REGULATIONS

For All Employees

Dated January 15, 1966

STATE OF CALIFORNIA
DEPARTMENT OF MENTAL HYGIENE

9948046156702776

CONTENTS

	Page
Article I. Legal Authority and General Provisions	
1. Authority	7
2. Application	7
3. Supplementary Rules	7
4. Definitions	8
5. Control by Director	8
6. Duties of Superintendent	9
7. Hospital Rules	9
8. Employees' Knowledge of Rules and Regulations	9
9. No Discrimination in Departmental Services and Facilities	9
10. Special Incident Reports	10
Article II. Conduct of Hospitals	
20. Fire Protection	11
21. Medical Attention for Employees, Volunteers, and Visitors	11
22. Immunization Against Disease	12
23. Immunization of Volunteers	12
24. Firearms	12
25. Liquor and Drugs	13
26. Gambling	13
27. Operation of Motor Vehicles	13
28. Inspection of Vehicles	13
29. Visitors	14
30. Departmental Safety Policy	14
Article III. Patients' Care, Conduct, and Privileges	
40. General Provisions	15
41. Employee Treatment of Patients	15
42. Restraint and Seclusion	16

CONTENTS—Continued

Article III. Patients' Care, Conduct, and Privileges—Continued

	Page
43. Information to be Given Patients on Admission.....	16
44. Medical Examination of Patients.....	16
45. Uniform Clinical Histories.....	16
46. Patients' Records Confidential.....	17
47. Review of Patients' Status in Hospital.....	17
48. Duration of Leave of Absence Period.....	18
49. Outfitting of Released Patients.....	19
50. Notification of Release or Absence of Patients.....	19
51. Unauthorized Absence of Patients.....	19
52. Aggressive and Anti-Social Patients.....	19
53. Notification as to Critical Illness or Death.....	20
54. Patients' Correspondence.....	20
55. Mail Addressed to Patients.....	21
56. Patients' Personal Accounts and Relatives' Contributions.....	21
57. Employment of Patients.....	22
58. Transfer of Nonresident Patients.....	22
59. Authorization For Transfer.....	22
60. Writ of Habeas Corpus.....	22

Article IV. Employees' Rights and Obligations

80. Employee Responsibility.....	23
81. Discrimination.....	23
82. Medical Examinations.....	23
83. Employee Uniforms.....	23
84. Joining Employee Organizations.....	24
85. Grievances.....	24
86. Use of Intoxicants.....	24
87. Residence of Employees.....	24
88. Incompatible Activities.....	25

To All Employees:

The Department of Mental Hygiene has been entrusted with the care and treatment of citizens of our state who are in need of the services we offer.

The most important factor in carrying out this responsibility is the effort put forth by the employees working together as a team dedicated towards a common goal of providing patients with the best possible care and treatment.

These rules and regulations are intended to help all of us understand our responsibilities and rights. Your familiarity with them will assist you in your work.

James V. Lowry, M.D.

JAMES V. LOWRY, M.D.
Director of Mental Hygiene

RULES AND REGULATIONS

ARTICLE I

LEGAL AUTHORITY AND GENERAL PROVISIONS

1. Authority

These rules and regulations are adopted in accordance with the authority granted by the Welfare and Institutions Code and the Government Code.

2. Application

Except as otherwise provided, these rules and regulations apply to and are binding on all employees of the department and of all its facilities. These rules and regulations do not apply to private institutions, as defined by Section 6200 of the Welfare and Institutions Code.

3. Supplementary Rules

These rules and regulations may be supplemented by regulations made or orders hereafter issued by the director.

4. Definitions

The following definitions shall govern these rules and regulations:

(a) "Department" means the Department of Mental Hygiene of the State of California.

(b) "Director" means the Director of Mental Hygiene of the State of California.

(c) "Facility" means hospital, neuropsychiatric institute, clinic, day treatment center, or office under the jurisdiction of the department.

(d) "Hospital" means hospital for the mentally ill or the mentally retarded and those facilities attached thereto.

(e) "Superintendent" means the superintendent and medical director of a hospital or neuropsychiatric institute.

(f) "Patient" means a person committed or admitted to any facility for care and treatment.

5. Control by Director

The Director of Mental Hygiene is head of the department and has general management and control of all facilities of the department and is the appointing power of all employees.

6. Duties of Superintendent

The superintendent of each hospital is the chief executive officer thereof. He shall have general supervision and control of all personnel and facilities and of the care, custody, and treatment of the patients under his jurisdiction.

7. Hospital Rules

The superintendent of each hospital may issue such additional rules and regulations as may be required for the proper conduct of the hospital and which are not inconsistent with these rules and the *Policy and Operations Manual* of the department.

8. Employees' Knowledge of Rules and Regulations

Each employee shall fully acquaint himself with the rules and regulations of the department and with the rules and regulations of the facility where he is employed. It shall be the duty of each employee to assist the director and the superintendent in carrying out the policies and the rules and regulations of the department.

9. No Discrimination in Departmental Services and Facilities

In the Department of Mental Hygiene, all services shall be performed and facilities shall be utilized with-

out discrimination as regards to race, color, religion, national origin or ancestry. These services and facilities shall not be used in the maintenance or furtherance of any discriminatory practice, nor shall any employees of these facilities be a party to any agreement, arrangement or plan which has the effect of sanctioning or promoting such practices.

10. Special Incident Reports

Unusual incidents of a serious nature, such as fires, serious injury to patients or employees, suicides, serious crimes committed by persons on leave or other matters of unusual significance must be reported to the department immediately. The means of communication, whether by telephone, teletype, or letter will depend upon the importance of the particular incident.

In addition, a report is required on Standard Form 268 (Accident Report) where there are serious injuries to members of the public, property damage, serious injuries to patients, or unusual incidents involving medical care as outlined in *Policy and Operations Manual*.

ARTICLE II CONDUCT OF HOSPITALS

20. Fire Protection

Every employee shall use extreme care in the matter of fire prevention. There shall be a fire drill at least once a month. A fire bill shall be kept posted in each ward listing the procedure in event of emergency. Regulations contained in the *Institution Fire Department Manual* shall be observed.

21. Medical Attention for Employees, Volunteers, and Visitors

All facilities shall give effective and prompt first aid medical attention to all employees and volunteer workers who become sick or are injured while on official business. For purposes of this section, emergency first aid medical attention is to be considered as involving the prompt application of available medical measures. Existing staff, equipment, and materials may be used for limited care and treatment of employee injuries and illnesses that are reported to arise out of and occurring in the course of state employment that will not require more than five calls to a first aid clinic or disability beyond the date of injury. If the individual requires further medical attention or hospitalization, a qualified physician should be con-

tacted and arrangements made for removal of the individual to a suitable medical facility or to his home.

In case of an injury or sudden illness of a visitor while at a facility, emergency treatment and available medical measures shall be given in order that the individual's condition be maintained in the best possible manner until he can be placed in the charge of his own or another qualified physician or in case no further medical attention is necessary, until he can properly care for himself.

22. Immunization Against Disease

All patients and employees of a hospital shall, in the discretion of the superintendent, be immunized against any contagious disease, in order to preserve the health at the hospital and prevent the spread of disease.

23. Immunization of Volunteers

A superintendent may require the immunization of volunteers who will be exposed to contagious diseases in the course of their activities with patients.

24. Firearms

No firearms shall be permitted on the grounds of a hospital without written permission of the superintendent. This shall not apply to members of law enforcement agencies.

25. Liquor and Drugs

No employee, visitor, or other person shall bring upon the grounds of a hospital any intoxicating liquor, narcotic, medicine or drug except by authority of the superintendent.

26. Gambling

No gambling or gambling devices of any nature shall be allowed or indulged in by any person or persons on the property of any hospital or facility of the department.

27. Operation of Motor Vehicles

The superintendent of each hospital shall adopt rules and regulations governing the operation and parking of motor vehicles on the grounds of the hospital and shall post suitable signs.

28. Inspection of Vehicles

All persons and all vehicles entering, leaving, or while upon the grounds of the hospital are subject to inspection by security officers, or other designated persons, for the purpose of determining whether prohibited articles are being brought into the hospital or state property is being removed therefrom. All hospitals shall post suitable notices of this rule.

29. Visitors

Families and friends are encouraged to visit patients as frequently as the time of the staff of the hospital and routine of work will permit.

30. Departmental Safety Policy

The department recognizes its legal and moral obligations to the people of California with respect to the control of accidents and communicable disease among patients, employees, volunteers and visitors. Control and prevention of injury, communicable disease, and fire, shall be one of the first considerations in the achievement of economical, efficient and humane management of all departmental facilities. No responsibility or assignment is so important or urgent that suitable time and effort cannot be taken to do it safely.

ARTICLE III

PATIENTS' CARE, CONDUCT, AND PRIVILEGES

40. General Provisions

Proper care and effective treatment of patients is the primary responsibility of the Department of Mental Hygiene. Efforts of all employees shall be directed toward this end. Consideration of each patient as an individual is of the utmost importance and the personal dignity of each patient shall be maintained at the highest possible level.

41. Employee Treatment of Patients

No employee shall strike, abuse, or inflict cruelty by physical means upon any patient. The use of physical strength to secure the cooperation of patients is to be avoided and is to be undertaken only to the extent necessary to insure the safety and comfort of the patients. Sufficient assistance should be had from other employees so that injury to patients and employees can be avoided.

No employee shall abuse or inflict cruelty by psychological means upon any patient. No employee shall use language or take actions which are detrimental to the patient's welfare.

Any employee violating this rule shall be subject to disciplinary action.

42. Restraint and Seclusion

It is the policy of this department in all its hospitals to reduce the amount of restraint and seclusion to an absolute minimum. Restraint and seclusion shall be used only on the signed order of a physician.

43. Information to Be Given Patients on Admission

All persons admitted to a hospital shall be informed, as far as possible, at the time of admission, of the nature of the hospital and of the reasons for admission.

44. Medical Examination of Patients

Each patient, on entering the hospital, must have a complete physical and mental examination within three days and the findings recorded in the clinical file.

As an additional safeguard, each hospital patient upon admission, on return from leave of absence, on return from unauthorized absence, or on transfer from another hospital, must immediately receive a preliminary physical examination by a physician and the findings recorded in the clinical file.

All hospitals shall have uniform clinical histories with continuous notes made by the staff in accordance

45. Uniform Clinical Histories

with procedures adopted by the department.

46. Patients' Records Confidential

Personal information and medical records pertaining to individual patients are confidential. Clinical information may be provided if written consent of the person legally authorized to give consent is obtained. If a letter contains clinical information, it should bear the notation, "CONFIDENTIAL, CONTAINS CLINICAL INFORMATION," in a conspicuous place. Great care should be taken to see that clinical records are not made available to unauthorized persons.

Clinical information may be furnished to attorneys representing a patient, governmental and private agencies, and insurance companies in connection with claims made on behalf of the patient. However, in order to inform patients of department procedures, and to forestall possible future legal actions, it shall be a responsibility of each facility to fully inform the patient and to obtain written consent whenever possible before releasing clinical information in support of benefit claims.

Medical opinions as to patients' condition may be furnished to friends and relatives. In no case shall records and names of patients be discussed outside the department except as required by the official duties of the employee.

47. Review of Patients' Status in Hospital

To assure and provide adequate care and treatment of each patient in a state hospital, it is the policy of the

department to review continuously the status of each patient in a state hospital. Each patient shall receive an annual physical examination and a general evaluation by his physician, at least quarterly which shall include evaluation of the necessity for his continued hospitalization. A clear notation shall be made in the medical record at these times denoting the patient's current status. Auxiliary personnel, such as psychiatric technicians, nurses, and social workers, shall be utilized in the factfinding process relative to the study of each patient and shall be encouraged to assist the physician in carrying out this policy.

48. Duration of Leave of Absence Period

The leave of absence period for mentally ill patients, other than those in family care homes, shall not exceed twelve (12) months unless for psychiatric reasons a longer period is indicated. The decision to continue a patient on leave beyond 12 months will be based on recommendations of a psychiatrist of the Department of Mental Hygiene who has made a complete medical evaluation and on approval of the superintendent of the hospital from which the patient is on leave. A reevaluation will be made in not more than six months. Patients may be discharged from leave at any time before the expiration of 12 months at the discretion of the superintendent.

49. Outfitting of Released Patients

Every patient discharged or granted leave from a hospital within the department shall, upon leaving the hospital, be furnished with clothing suitable to the season and may, in the discretion of the superintendent, be furnished with a sum of money not in excess of \$25.

50. Notification of Release or Absence of Patients

The patient's guardian and responsible relative shall be notified in all cases of release, transfer, or unauthorized absence from the hospital. Such notice shall be given at least two weeks in advance of the release or transfer whenever possible. In cases of unauthorized absence notification shall be made as soon as the hospital is aware of the absence.

51. Unauthorized Absence of Patients

Each employee of the hospital shall follow the written procedures of the hospital upon occurrence of unauthorized absence of any patient. If the patient was committed under any section of the Penal Code, or is considered to be a danger to himself or others, appropriate law enforcement agencies shall be notified immediately.

52. Aggressive and Antisocial Patients

In keeping with modern treatment concepts, patients should be allowed as much freedom as possible and

practicable. However, it is necessary that special attention be given in the care and custody of patients who are potentially dangerous to themselves or others. Ground privileges or leaves of absence should be given these patients only after careful consideration.

Summaries furnished to personnel providing after-care services shall indicate if in the opinion of the hospital staff the patient has antisocial tendencies.

53. Notification as to Critical Illness or Death

Immediate notification of a patient's critical illness or death shall be given to the patient's guardian and nearest or interested relatives.

54. Patients' Correspondence

All patients are to be allowed the right to send uncensored mail to superior court judges, district attorneys, their own attorneys, the superintendent, and to the director. No letter to any other person with whom the patient has a reasonable right to correspond may be held up unless it contains obscene, vulgar, or threatening language. Such letters submitted for mailing must not be destroyed; they should be returned to the patient with the explanation that the letter could not be mailed because of the obscene, vulgar, or threatening material it contained. The patient should be invited to rewrite the letter in a more acceptable way.

55. Mail Addressed to Patients

Mail from a superior court judge or district attorney of the county from which the patient was admitted should be delivered unopened. Mail identified as containing checks payable to patients may be diverted by the mail room to the proper office for deposit to the patient's personal account and receipt issued to the patient. Other mail shall be opened by patients in the presence of an employee and money, negotiable instruments, documents, and articles which may be harmful to the welfare of the patient shall be delivered to the office and a receipt given. Where patient's condition warrants, mail may be inspected by the ward physician and, if the contents are thought to be harmful to the patient, may be withheld.

56. Patients' Personal Accounts and Relatives' Contributions

Where patients have estates of their own, a legal guardian or conservator, or responsible relatives, the hospital shall make every effort to have a deposit made to the patient's personal account periodically, in order that the patient may have use of such funds for canteen privileges, needed extra clothing and other items which will be beneficial to the patient. Relatives shall be encouraged to furnish items of clothing and other necessary incidentals to patients.

57. Employment of Patients

No patient, while residing in the hospital, shall be employed outside the hospital by any individual, firm or corporation without specific permission of the superintendent. No employee or immediate member of his household may employ patients on work placements.

58. Transfer of Nonresident Patients

Patients admitted to hospitals who are residents of other states are subject to transfer to a state hospital in the state of their residence. Except in an emergency a 14-day notice of the intended transfer of a patient shall be given to the patient's guardian and interested relatives.

59. Authorization for Transfer

Patients may be transferred from one hospital to another under the jurisdiction of the department; however, concurrence of patient's guardian or responsible relative should be obtained whenever possible. Except in an emergency, prior notice of the intended transfer of a patient must be given to his guardian and interested relatives.

60. Writ of Habeas Corpus

Every patient is entitled to make application to a judge of the superior court for a writ of habeas corpus. This is a constitutional right which shall be accorded to every patient.

ARTICLE IV EMPLOYEES' RIGHTS AND OBLIGATIONS

80. Employee Responsibility

Each employee has responsibility to take appropriate action and to report infractions of rules and regulations or violations of acceptable standards of conduct by patients, visitors, or employees.

81. Discrimination

Nondiscrimination in employment and promotion on the basis of race, color, or religion is the policy of the Department of Mental Hygiene. Employees of the department shall not only rigorously enforce this policy, they shall also take affirmative action to insure this equality of opportunity.

82. Medical Examinations

Any employee may be required to take a physical or mental examination or both at any time that there is reason to believe that his health may affect the performance of his duties or endanger the health of patients.

83. Employee Uniforms

The department may adopt a standard uniform for any group or class of employees. When adopted, the prescribed uniform shall be worn by all employees

in the affected group or class during duty hours. Exceptions may be made only upon approval of the director.

84. Joining Employee Organizations

All employees shall have the right to join or refrain from joining any lawful organization or association of employees.

No employee shall be discriminated against, granted preferential treatment, nor have equitable treatment withheld because of either membership or nonmembership in employee organizations, or because of use of the department grievance procedure.

85. Grievances

All employees have the right to prompt consideration of their grievances or complaints. Informal resolution at the first level of supervision is desired. When this is not feasible, the departmental grievance procedure should be used.

86. Use of Intoxicants

The use of intoxicants while on duty by any employee or the reporting for duty by any employee in an intoxicated condition is prohibited.

87. Residence of Employees

The superintendent may require certain employees of the hospital to live on the grounds in order that such employees may be available in case of emergency.

Additional employees may be permitted to live on the grounds subject to availability of suitable living quarters.

Occupants of quarters have the same rights, privileges and responsibilities as persons renting a private residence. Quarters shall be inspected once a year or oftener by authority of the superintendent and with appropriate notice being given to the occupant. Employees shall be held responsible for damage to their quarters, and damage to or loss of equipment supplied to them.

88. Incompatible Activities

In accordance with the provisions of Section 19251 of the Government Code and with Article II of the Governor's Code of Ethical Standards, no officer or employee of the Department of Mental Hygiene shall engage in any activity, employment or enterprise which might result in, or create the appearance of resulting in, any of the following acts which have been determined to be inconsistent, incompatible, and in conflict with their duties as a state officer or employee:

(a) Using the prestige or influence of an office or employment with this department for his private gain or advantage or the private gain or advantage of another.

(b) Using or divulging any departmental information, data or records for his personal gain or advantage or the private gain or advantage of another, or

divulging or making use of any records of any facility of the department for a mailing or other type of list unless such act is a part of his official duties.

(c) Using confidential information acquired by virtue of state employment for his private gain or advantage or the private gain or advantage of another.

(d) Using for his private gain or advantage or the private gain or advantage of another the time that he is required to devote to the performance of his state duties or the facilities, equipment, or supplies of the state.

(e) Having a financial interest in, accepting gratuities from, seeking personal loans from, soliciting business of any kind from, or purchasing any property at a special discount from any organization, firm, corporation or person who is subject to regulation, inspection, licensing, certification, or audit by the department when the officer or employee is responsible for such function in the performance of his official duties.

(f) Soliciting or accepting money, gifts or other considerations other than the salary paid by the state for providing service, advice, or information, or for the performance of any act which he would be required or expected to render in the regular course or hours of employment with this department or as a part of his duties as a state officer or employee; this prohibition shall include any service, advice or information concerning any patient of the department's facilities.

(g) Treating for pay other than the salary paid by the state any person who is a patient of any of the facilities of the department or who has been discharged within one year from a facility of the department. For reasons of special benefit to the patient this rule may be waived only after express written approval by the medical superintendent of the hospital provided that when the patient is to be treated by the medical superintendent of the hospital, written approval shall be obtained from the Deputy Director, Division of State Services.

(h) Performing an act in other than his capacity as a state officer or employee knowing that such act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the officer or employee or by the agency by which he is employed.

(i) Receiving or accepting directly or indirectly any gift including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the state or whose activities are regulated or controlled in any way by the state under circumstances from which it reasonably could be inferred that the gift was intended to influence him in his official duties or was intended as a reward for any official action on his part.

All officers and employees of this department shall strictly comply with the ethical standards reflected

in this rule. Employees are encouraged to discuss with their supervisors any activities within the scope of this rule about which they may be in doubt. The Chief, Bureau of Legal Services, is available at all times to consult on such matters. Where policy announced in this rule requires official interpretation or further definition, inquiries will be forwarded through channels to the director.

Discussions and advice on these matters shall be considered as confidential. However, the director or the governor may determine that a matter involved has become of such importance that the public interest requires disclosure.

o

NOTES