

## **79799 Inmate-Patients' Rights**

### **(a)**

Written policies regarding the rights and restrictions of inmate-patients admitted to a correctional treatment center shall be established and implemented, and made available to the inmate-patient and to the public. Inmate-patients will be afforded such rights as are commonly afforded to medical/mental patients and are consistent with jail or prison policies and procedures. Such policies and procedures shall ensure that each inmate-patient admitted to the correctional treatment center shall have the following rights and be notified of the treatment center's obligations: (1) To be fully informed, prior to or at the time of admission and during his or her stay, of these rights and of all rules and regulations governing inmate-patient conduct. (2) To be fully informed, prior to, or at the time of admission and during his or her stay, of services available in the correctional treatment center. (3) To be fully informed by a physician of his or her medical condition and to be afforded the opportunity to discuss medical treatment. (4) To give informed consent or to refuse any treatment or procedure or participation in experimental research. (5) To be informed of and provided access to grievance forms and procedures. (6) To be free from mental and physical abuse. (7) To be free from chemical and (except in emergencies) clinical and treatment restraints except when necessary to protect the patient from injury to himself or to others. (8) To be assured confidential treatment of personal and medical records and to

approve or refuse their release to any individual outside the correctional treatment center, except in the case of transfer to another health care facility, or as required by law or third party payment contract. (9) To be treated with consideration, respect, and full recognition of dignity and individuality, including privacy in treatment and in care of personal needs, when not in conflict with security and custodial policies. (10) To refuse convulsive treatment including, but not limited to, any electroconvulsive treatment, any treatment of a mental condition which depends on the induction of a convulsion by any means, and insulin coma treatment. (11) To refuse psychosurgery as defined in Section 5325 of the Welfare and Institutions Code. (12) To review his or her medical or psychiatric record upon request and consistent with statutory and case law. (13) To be free from discrimination based on sex, race, color, religion, ancestry, national origin, sexual orientation, disability, medical condition, marital status, or registered domestic partner status.

**(1)**

To be fully informed, prior to or at the time of admission and during his or her stay, of these rights and of all rules and regulations governing inmate-patient conduct.

**(2)**

To be fully informed, prior to, or at the time of admission and during his or her stay, of services available in the correctional treatment center.

**(3)**

To be fully informed by a physician of his or her medical condition and to be afforded the opportunity to discuss medical treatment.

**(4)**

To give informed consent or to refuse any treatment or procedure or participation in experimental research.

**(5)**

To be informed of and provided access to grievance forms and procedures.

**(6)**

To be free from mental and physical abuse.

**(7)**

To be free from chemical and (except in emergencies) clinical and treatment restraints except when necessary to protect the patient from injury to himself or to others.

**(8)**

To be assured confidential treatment of personal and medical records and to approve or refuse their release to any individual outside the correctional treatment center, except in the case of transfer to another health care facility, or as required by law or third party payment contract.

**(9)**

To be treated with consideration, respect, and full recognition of dignity and individuality, including privacy in treatment and in care of personal needs, when not in conflict with security and custodial policies.

**(10)**

To refuse convulsive treatment including, but not limited to, any electroconvulsive treatment, any treatment of a mental condition which depends on the induction of a convulsion by any means, and insulin coma treatment.

**(11)**

To refuse psychosurgery as defined in Section 5325 of the Welfare and Institutions Code.

**(12)**

To review his or her medical or psychiatric record upon request and consistent with statutory and case law.

**(13)**

To be free from discrimination based on sex, race, color, religion, ancestry, national origin, sexual orientation, disability, medical condition, marital status, or registered domestic partner status.

**(b)**

An inmate-patient's rights, as set forth above, may be denied or limited only for good cause which shall be evidenced by the written order of the attending physician or other person lawfully authorized to prescribe care, and may only be denied or limited if such denial or limitation is required by the reasonable application of security procedures or is otherwise authorized by law or regulation. Reasons for denial or limitation of such rights shall be documented by the attending physician in the inmate-patient's health record.

**(c)**

If a patient lacks the ability to understand these rights and the nature and consequences of proposed treatment, the patient's representative shall have the rights specified in this section to the extent the right may devolve to another, unless the representative's authority is otherwise limited. The patient's incapacity shall be determined by a court in accordance with state law or by the patient's physician unless the physician's determination is disputed by the patient or patient's representative.

**(d)**

These rights, written in English and Spanish, shall be prominently posted.

**(e)**

Sections of Title 9863.1, 863.2, 865.2 and 865.5 of Title 9 of the California Code of Regulations pertaining to the assignment and duties of patients' advocate(s), good cause for denial of rights, and restoration of rights shall apply

to every correctional treatment center, including the appointment of a patients' advocate for a correctional treatment center. These provisions are hereby incorporated by reference.