

DEPARTMENT OF STATE HOSPITALS

FINAL REGULATION TEXT PATIENT ELECTRONIC PROPERTY

California Code of Regulations
Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 16. State Hospital Operations
Article 3. Safety and Security

Amend section 4350, title 9, California Code of Regulations to read as follows:

[Note: Set forth is the amendments to the proposed regulatory language. The amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text.]

§ 4350. Contraband Electronic Devices with Communication and Internet Capabilities.

(a) Except as provided in subsection (d), patients are prohibited from having personal access to, possession, or on-site storage of the following items:

(1) Electronic devices with the capability to connect to a wired (for example, Ethernet, Plain Old Telephone Service (POTS), Fiber Optic) and/or a wireless (for example, Bluetooth, Cellular, Wi-Fi [802.11a/b/g/n], WiMAX) communications network to send and/or receive information including, but not limited to, the following:

(A) Desktop computers; laptop computers; tablets; single-board computers or motherboards such as "Raspberry Pi;" cellular or satellite phones; personal digital assistants (PDA's); graphing calculators; and satellite, shortwave, CB and GPS radios.

(B) Devices without native capabilities that can be modified for network communication. The modification may or may not be supported by the

product vendor and may be a hardware and/or software configuration change.

(2) Digital media recording devices, including but not limited to CD, DVD, Blu-Ray burners.

(3) Voice or visual recording devices in any format.

(4) Items capable of patient-accessible memory storage, including but not limited to:

(A) Any device capable of patient-accessible digital memory or remote memory access.

(B) Recordable disks, including but not limited to CDs, DVDs, Blu-Ray, and CD-ROM.

(C) Universal Serial Bus (USB) devices, also known as flash drives or thumb drives.

(D) Hard drives, subscriber identity module (SIM) cards, secure digital (SD) drives or cards, micro-secure digital drives or cards (MicroSD), compact flash drives, secure digital high capacity (SDHC), secure digital extended capacity (SHXC), and other similar insertable memory devices.

(E) Gaming devices with patient-accessible digital memory storage ability, the ability to access the internet, or the ability to play games or other media or access data not specifically designed for the device or only able to be played on that particular gaming device, as provided by an approved third-party vendor.

(F) Floppy disks, hard disks, and vertical helical scan or video home system (VHS) cassettes.

(b) Electronic items that do not conflict with subsection (a) that patients are permitted to possess or have personal access to include:

- (1) One (1) television or computer monitor; one (1) DVD, Blu-ray, or similar player; one (1) CD player; and one (1) radio or music player. These items shall not have internet, external communication, or wireless communication capability.
- (2) No more than thirty (30) commercially manufactured and unmodified CDs, DVDs, and Blu-Rays received in factory-original packaging in a patient's room or unit storage. Patient may store additional manufactured and unmodified CDs, DVDs, and Blu-Rays in off-unit storage.
- (3) Tablets or other devices designed for confined individuals through authorized vendors of the Department of State Hospitals and California Department of Corrections and Rehabilitation that ~~does~~ do not contain personally accessible data storage. If a device designed for confined individuals is ~~breached and/or~~ modified, either the individual device or the type of device can be banned as violating subsection (a).
- (c) Nothing in this regulation, including permissible items of subsection (b), is designed to interfere with a hospital issuing and enforcing a more restrictive contraband list as appropriate to address the needs or safety of a patient population or the hospital.
- (d) While items described in of subsection (a) shall not be in the personal possession of patients, hospitals have the discretion to permit items to be accessible to patients on a supervised basis only. This would include a check-out basis or a temporary basis for use in an observable common room, a computer lab, or group and/or individual therapy. In no case shall digital storage devices for patient access purposes contain a storage capability greater than eight gigabytes (8 GB).
- ~~(e) While this section is being enforced initially as an emergency regulation, patients who are currently in personal possession of, store, or otherwise have access to any of the contraband items set forth in subsection (a) may grant permission to the Department for the item to be reviewed for illegal material without file, folder, or document-type limitation, other than documents protected by attorney/client privilege. Such a search for illegal material must be granted to and conducted by the hospital. If consent is granted by the patient and there is no illegal material found on~~

~~the contraband items set forth in subsection (a), the item shall be mailed to a location designated by the patient. If consent is not granted by the patient to search the contraband items set forth in subsection (a), the hospital shall destroy the contraband item.~~

Note: Authority cited: Sections 4005.1, 4011, 4027, 4100, 4101 and 4109, Welfare and Institutions Code.
Reference: Sections 4005.1, 4027, 4101, 4109 and 7295, Welfare and Institutions Code.