

**DEPARTMENT OF STATE HOSPITALS
AMENDED AND PROPOSED REGULATIONS TEXT
STATE HOSPITAL VISITATION PROCESS REGULATIONS**

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 4300 to read:

Section 4300. ~~Visits for Individual Patients~~ General Provisions.

- (a) These regulations govern visitation of patients within the Secure Visiting Center of state hospitals. Each state hospital shall maintain an area within the Secured Treatment Area designated as the Secure Visiting Center for visitation between patients and authorized visitors.
- (b) For purposes of these regulations a valid government-issued photo identification shall include a valid and current Passport, U.S. military identification, or State or U.S. Government-issued photo identification or Driver's License.
- (c) Visiting Hours
- (a) (1) Facility visiting hours shall be scheduled seven days a week for a minimum of five hours each day.
- (e) (2) The facility may modify the visiting hours or suspend visiting days when necessary for safety and security concerns and staffing limitations.
- (3) Patients are allowed no more than four visitors at a time per visitation session, unless prior authorization is requested and obtained from the Executive Director or designee.
- (4) If at any point in time the Secure Visiting Center reaches capacity and additional visitors have arrived, the visit may be concluded for the visitor(s) that have been present for the longest duration of time, but no less than 45 minutes, to allow for new visitors to be granted visitation.
- (5) Except as outlined in subsection (c)(2), the scheduled Secure Visiting Center hours will not be changed without a minimum of 10 working days' notice.
- (6) Visits outside normal visiting hours may be permitted with the approval of the Executive Director or designee when exceptional or exigent circumstances exist.

(d) Visitor Guidelines for the Secure Visiting Center

- (1) Visits may be terminated for failure to follow these regulations.
- (2) Visits may be terminated or denied without prior notification by the Executive Director or designee due to the unavailability or temporary closure of the Secure Visiting Center, which may be caused by the need for maintenance or construction at the facility, the necessity of a security inspection, or in response to an emergency situation. For purposes of these regulations, "emergency" is defined as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.
- (3) A visit has concluded after the visitor leaves the Secure Visiting Center, except in the following instances:

(A) After receiving prior approval from the Executive Director or designee, a visitor may leave the Secure Visiting Center to take medication when medically necessary to do so. The visitor must undergo security screening before returning to the Secure Visiting Center to resume the visit.

(B) When restroom facilities are located outside the Secure Visiting Center, visitors may leave to use the restroom. The visitor must undergo security screening before returning to the Secure Visiting Center to resume the visit.

~~(d)~~ (4) No conjugal visits shall be allowed.

- (5) Combined visitation is when two or more patients request a visit with one or more outside visitor(s). Combined visits will be prohibited unless prior approval is obtained by the Executive Director or designee.

~~(b)~~ (e) The facility shall provide private areas for individual patients to consult with an attorney or an attorney's representative for confidential communications.

- (1) The patient's attorney will be required to provide a copy of their valid Bar Card or otherwise demonstrate authorization to practice law in the State of California and a valid government-issued photo identification.
- (2) In order to use the private areas, a professional person appearing on behalf of an attorney, such as a paralegal or private investigator, may be required to provide a valid government-issued photo identification and a letter signed by the attorney authorizing the visit on the attorney's behalf and indicating the patient to be visited.

- (3) The attorney or attorney's representative may be required to provide a written attestation that confirms they are representing the patient in a pending legal matter.

Authority cited: Sections 4005.1, 4011, 4027, ~~and 4100~~, 4101, and 4109, Welfare and Institutions Code. Reference: Sections 4027 4312 and 5325, Welfare and Institutions Code.

Section 4301. Registration Application.

- (a) Each hospital shall maintain a site-specific webpage for the purpose of requesting patient visitation via the online visitor application.
- (b) A site-specific visitor application must be submitted at least ten business days prior to each visit.
- (c) The visitor application shall require the following:
 - (1) Legal First Name
 - (2) Legal Last Name
 - (3) State of Residence
 - (4) Date of Birth
 - (5) Email Address, if available
 - (6) Phone Number/Alternate Phone Number
 - (7) Valid Government-Issued Photo Identification Number
 - (8) Vehicle License Plate number, if applicable
 - (9) Patient Name
 - (10) Relationship to Patient
 - (11) Visitation Type (on-site or remote)
 - (12) Acknowledgement of Rules and Conditions of Visitation
- (d) The visitor application process includes review of the following:
 - (1) California Law Enforcement Telecommunications System (CLETS)

(2) Record Management System (RMS)

(3) Restricted Visitors List

(e) Upon successful review and no barriers to visitation being identified, the application will be approved and confirmation sent to the visitor.

(f) Unscheduled visits will not be permitted without submission and approval of the information outlined in subsections (c) and (d).

(g) Upon approval of the visitor application, hospital staff will log the visitor information and the results of the application review into RMS.

Authority cited: Sections 4005.1, 4011, 4027, 4100, 4101, and 4109, Welfare and Institutions Code. Reference: Sections 4312 and 5325, Welfare and Institutions Code.

Section 4302. Processing.

(a) The visitor must provide a valid government-issued photo identification for inspection upon arrival at the Secure Visiting Center.

(b) Hospital staff will notify the patient that they have a visitor.

(c) If the patient agrees to the visit, hospital staff will either send or escort the patient to the Secure Visiting Center.

(d) Health Screening

(1) Visitors may be subjected to a health screening prior to entry into the Secure Visiting Center.

(2) If a visitor presents with visual signs and symptoms of a transmissible illness, such as cough, sneeze, or runny nose, the visit will be deferred until they are no longer potentially infectious.

(e) Security Screening

(1) A visitor and their property entering the Secure Visiting Center will go through a contraband search, pursuant to section 4353.

(2) Statewide and hospital site-specific contraband lists are located on the hospital site-specific website pursuant to Welfare and Institutions Code 7295 and will be made available upon request. The contraband list is applicable to the Secure Visiting Center. All allowable items may be required to be placed into a clear plastic bag to be taken into the Secure Visiting Center.

- (3) If a visitor has a medically implanted or prosthetic device that does not allow them to go through a metal detector, they will need to provide a written letter of verification signed by their physician to confirm their medical necessity and disclose the location of the device on their body.
- (4) Anyone exiting the Secure Visiting Center may be searched as they leave the room using tools and methods as described in section 4353.
- (f) If the visitor is provided with a visitor's badge or other form of visible identification, such as a fluorescent stamp, it must be displayed on their person at all times during the visit.
- (g) Secure Visiting Center Items
- (1) All items brought into the Secure Visiting Center by patients and visitors must adhere to the statewide and hospital site-specific contraband lists.
- (2) The exchange of items in the Secure Visiting Center between visitors and/or patients is strictly prohibited except as mentioned in section 4354.1.
- (h) Dress Code for Visitors
- (1) Visitors are expected to dress in accordance with these regulations. Failure to do so may result in denial or termination of the visit.
- (2) Visitors shall remain fully clothed, which includes wearing undergarments.
- (3) Prohibited attire includes:
- (A) Clothing which exposes the midriff, chest area, genitals, or buttocks.
- (B) Transparent, sheer, strapless, sleeveless, excessively loose, or excessively tight clothing.
- (C) Exercise clothing (i.e., spandex, leotards).
- (D) Clothing or accessories displaying sexual, violent, offensive language or images.
- (E) Clothing with metal decoration, and/or metal underwire.
- (F) Items that encircle the neck.
- (G) Hats, hoods, gloves, wigs, or hairpieces, except where authorized by the Executive Director or designee for religious or medical reasons.

(H) Open-toed shoes and/or shoes without a backstrap.

(I) Clothing that resembles uniforms worn by patients, staff, or officer, or is brown, khaki, camouflage, or any shade or variation thereof.

(J) Dresses or skirts shorter than knee length.

(i) Dress Code for Patients

(1) Patients are required to wear only state-issued clothing and must arrive at the Secure Visiting Center wearing their state-issued identification badge.

(2) Patients must wear pants and upper garments and shall remain fully clothed at all times. Clothing must be worn in a manner consistent with their design and fully buttoned where applicable. Undergarments shall not be worn without an accompanying state-issued overgarment.

(i) Visitor Conduct

(1) Patients and visitors shall comply with all laws, regulations, and hospital policies and procedures.

(2) A patient and visitor may embrace and/or share a close-mouthed kiss only at the beginning and end of each visit. Embracing and kissing will be limited to momentary contact.

(3) The patient and visitor may hold hands during the visit. Holding hands must be on top of the visiting tables and in plain view of Secure Visiting Center staff.

(4) Patients and visitors will sit at the tables provided and keep their feet on the floor under the respective side of the table where seated. Straddling a table leg or stretching both legs into the aisle and intertwining legs under the table are both prohibited.

(5) The patient and visitor shall not share food or feed each other during the visit.

(6) Except as provided in this section, no other bodily contact shall be permitted.

Authority cited: Sections 4005.1, 4011, 4027, 4100, 4101, and 4109, Welfare and Institutions Code. Reference: Sections 4312, 5325, and 7295, Welfare and Institutions Code.

Section 4303. Visitor Rule Violations.

(a) The Executive Director or designee of a state hospital may for cause, deny, restrict, suspend, or terminate an individual's ability to enter the Secure Visiting Center subject to the provisions set forth in these regulations.

(1) For purposes of these regulations, a denial bars a visitor's entry into the Secure Visiting Center on a specific date. A denial may be enacted for the following reasons:

(A) The visitor does not provide valid government-issued photo identification and documentation required as set forth in section 4301, subsection (c) of these regulations.

(B) The visitor refuses to submit to a search of their person, property, or vehicles brought onto the hospital or facility grounds.

(C) The visitor does not follow the dress code in accordance with section 4302, subsection (h) of these regulations.

(D) The visitor is under 18 years of age, and the conditions prescribed in section 4304 have not been met.

(E) The visitor has a medically implanted or prosthetic device that cannot clear the contraband or metal detection devices and does not provide the written verification required in section 4302, subsection (e)(3).

(F) Information which would have resulted in disapproval of visit becomes known after approval of the visit has been granted.

(G) The visitor requires the use of a wheelchair or other assistive device(s) for mobility impairment but does not provide the written verification as required in section 4302, subsection (e)(3) or refuses to temporarily transfer to a designated institution/facility wheelchair while the visitor's personal wheelchair is being inspected.

(2) For purposes of these regulations: a Restriction is a denial of visitation for as long as the reason for the denial continues to exist; a Suspension is a denial of visitation for a set period of time as determined by the Executive Director or designee; a Termination is the immediate conclusion of a visit in progress for cause.

(3) A restriction, suspension, or termination of a visit may be enacted for the following reasons:

(A) Unlawful behavior and violation of hospital rules, regulations and policies may result in a termination of the visit. Egregious or repeated instances may result in a suspension.

- (B) Physical contact that is not consistent with section 4302, subsections (j)(1) through (j)(6) of these regulations may result in a termination of the visit. Egregious or repeated instances may result in a suspension.
- (C) A visit shall be terminated if the visitor appears to be under the influence of alcohol, drugs, or another substance, or exhibits behavior to the extent that their presence in the Secure Visiting Center would pose an undue threat to the safety and security of themselves, patients, staff, visitors, or the hospital grounds. Repeated instances may result in a suspension.
- (D) A visit may be terminated if the visitor refuses to follow hospital staff instructions. Repeated instances may result in a suspension.
- (E) A visit may be terminated if the visitor causes a disruption in the Secure Visiting Center or any area of the hospital which interferes with the ability of other patients and visitors to conduct their visit or interferes with staff's execution of their necessary job duties.
- (F) A visit may be terminated if the visitor destroys or modifies name tags or visiting documents.
- (G) Visitation may be restricted for any person subject to a current criminal or administrative investigation, and/or upon reasonable suspicion of the visitor's involvement in a criminal act and pending the outcome of an investigation.
- (H) Visitation may be restricted for any person with pending criminal charges, active warrants, or active warrants.
- (I) A visit shall be terminated if the visitor is engaging in sexual activity in the Secure Visiting Center or any area of the hospital. Egregious or repeated instances may result in a suspension.
- (J) Visitation is restricted where there exists a restraining order between a visitor and the patient they intend to visit.
- (K) Visitation may be restricted for victims of crimes perpetrated by the patient they intend to visit.
- (4) Suspension up to six months. The Executive Director or designee may impose a suspension of the visitor's access to the Secure Visiting Center for up to six months when a visitor has made serious or repeated violations of hospital rules, regulations, policies, or procedures. The length of suspension shall be commensurate with the seriousness of the violation.

(5) Suspension up to 24 months. The Executive Director or designee may impose a suspension of visitor's access to the Secure Visiting Center up to 24 months when a visitor is involved in criminal activity on hospital property. The length of suspension shall be commensurate with the seriousness of the violation.

(b) The Executive Director or designee of a state hospital must review any visit requests from former California Department of Corrections and Rehabilitation (CDCR) inmates, former Department patients, current and former CDCR or Department employees, Department contract employees, Department or CDCR students, and formerly suspended visitors. Visit requests must be submitted in writing to the Executive Director or designee at least 30 days prior to the proposed visit for their review and determination. Visits will not be authorized unless approval is given prior to the visit.

(1) Visitation is restricted for former Department employees. Visit requests from former Department employees may be considered after one year from the separation date.

(2) Visitation is restricted for former Department employees subject to a current investigation.

(c) Written Notification for Visitor Rule Violations

(1) Written notification of visitor restriction or suspension will be documented in the Record Management System and shall be provided to the visitor by U.S. mail or electronic mail within five business days from when action is taken by the Executive Director or designee. The written notification shall include:

(A) Reason for restriction or suspension

(B) Length of time

(C) Date eligible to reapply

(2) No more than once every 90 days, a restricted or suspended visitor may request a review of the restriction or suspension by submitting a written request to the Executive Director stating why the restriction or suspension should be removed or otherwise modified.

(A) Within ten working days of receiving the request to remove the restriction or suspension, the Executive Director or designee, will respond in writing with a decision.

Authority cited: Sections 4005.1, 4011, 4027, 4100, 4101, and 4109, Welfare and Institutions Code. Reference: Sections 4312, 5325, and 7295, Welfare and Institutions Code.

Section 4304. Minor Visitations.

(a) Children under the age of eighteen are minors and shall be permitted to visit patients when accompanied by an adult escort.

(1) The escort must either be the minor's parent, legal guardian, or adult that the minor's parent or legal guardian has designated.

(2) The escort and the minor must undergo the regular intake and security screening processes for visitation as defined in sections 4301 and 4302.

(b) An emancipated minor shall apply as an adult visitor and shall provide a certified copy of the court order granting emancipation 30 days in advance of the proposed visit. Emancipated minors are exempt from the requirements of subsections (c), (d), (g), and (h), and will not require an escort.

(c) The following documentation is required for minors visiting the Secure Visiting Center and shall be received by the hospital no less than 30 days in advance of the proposed visit date.

(1) Copy of minor(s) certified Birth Certificate

(2) Parent, Legal Guardian, or Escort(s) Valid Government-Issued Photo Identification

(3) Court-Certified Guardianship Paperwork, if applicable

(d) If the parent or legal guardian will not be present during the visit, a signed and notarized letter from the parent or legal guardian must be provided prior to authorization of the visit. The letter must contain language authorizing the minor's visitation and naming the adult person who will escort the minor.

(1) A letter shall provide the following information:

(A) Parent or Legal Guardian First and Last Name

(B) Parent or Legal Guardian Address

(C) Parent or Legal Guardian Phone Number

(D) Minor(s) First and Last Name

(E) Minor(s) Date of Birth

(F) Patient First and Last Name

(G) Escort(s) First and Last Name

(H) Escort(s) Valid Government-Issued Photo Identification Number

(I) Escort(s) Signature

(J) Parent or Legal Guardian signature

(K) Parent or Legal Guardian Valid Government-Issued Photo Identification Number

(e) Any restrictions placed on the patient by the courts or the California Department of Corrections and Rehabilitation on visiting minors shall be enforced.

(f) The hospital will process the minor visitation request documentation, and the Executive Director or designee shall make the final determination for the minor visitation request.

(g) The minor's parent or legal guardian will be notified of the decision prior to the proposed visitation date.

(h) The escort is responsible for accompanying the minor at all times while on hospital grounds.

(i) Minors are prohibited from visiting a patient who has previously victimized the minor.

(j) Patient visitations with minors shall not be denied based solely on the minor being within the patient's victim's age and profile as defined in Welfare and Institutions Code section 6608.5, subsection (e)(2).

(k) Minors are prohibited from sitting on a patient's lap or being picked up, carried, or held by a patient. Any contact beyond a momentary embrace or kiss, or holding hands, must be specifically approved by the Executive Director or designee.

(l) Patients will not be allowed to change the minor's diaper, remove any article of clothing from the minor, or assist the minor in the bathroom. If the minor requires a diaper change or assistance in the bathroom, the escort will take the minor to the bathroom or a designated changing area.

Authority cited: Sections 4005.1, 4011, 4027, 4100, 4101, and 4109, Welfare and Institutions Code. Reference: Sections 4312, 5325, and 6608, Welfare and Institutions Code.