

OREGON STATE HOSPITAL

POLICIES AND PROCEDURES

SECTION 7: Patient Rights

POLICY: 7.002

SUBJECT: Media Access for Patients

POINT PERSON: TREATMENT SERVICES DIRECTOR

APPROVED: JOHN SWANSON
INTERIM ADMINISTRATOR

DATE: MARCH 23, 2018

I. POLICY

- A. This policy establishes parameters for patient access to media at Oregon State Hospital (OSH). OSH supports reasonable patient access to media, taking into consideration the patient's treatment environment and individual treatment needs, and balancing patient rights, vulnerabilities, risk mitigation, and protection from harm.
- B. None of the following may be displayed in any area of OSH:
 - 1. media which meets the definition of pornographic material in this policy;
 - 2. media which overtly promotes criminal, violent, or self-destructive behavior;
 - 3. media which overtly expresses hatred on the basis of race, religion, national origin, or sexual orientation; or
 - 4. media rated "NC-17", "X", "MA", or equivalent rating systems.
- C. Individual patient guidelines on acceptable media must be developed in consultation with the patient's interdisciplinary treatment team (IDT) including, when necessary, the Sexual Offender Treatment Program.
 - 1. Patient trauma history must be considered in the guideline review process.
 - 2. Guidelines for patient viewing of any media is outlined in this policy and in any individual restrictions established by the IDT.
- D. Copyrighted media in any form (e.g., written materials, videos) may not be used except in compliance with applicable copyright or piracy laws. Downloading pirated media is prohibited.
- E. In accordance with OSH's Public Performance License, OSH may only provide "non-theatrical public viewing of movies" from an approved list of movies stocked in the patient library. Movies may not be brought from home, rented, or purchased by HCP for patient viewing except with prior written approval from the Director of Treatment Services or designee.

- F. If OSH determines a patient is violating state or federal laws relating to copyrights, licenses, permits, or other proprietary rights, all copied materials and equipment used for copying the materials will be confiscated and handled in accordance with OSH Policies and Procedures 8.037, "Patient Property and Valuables," 8.019, "Staff Response to Alleged Criminal Acts and Contraband," 8.044, "Contraband and Prohibited Items," and Oregon Administrative Rule 309-108-0015.
- G. A HCP who fails to comply with this policy or related procedures may be subject to disciplinary action, up to and including dismissal.

II. DEFINITIONS

- A. "Health care personnel (HCP)" for the purposes of this policy means the population of health care workers working in the OSH healthcare setting. HCP might include, but is not limited to: physicians, nurses, nursing assistants, therapists, technicians, dental personnel, pharmacists, laboratory personnel, students and volunteers, trainees, contractual staff not employed by the facility, and persons not directly involved in patient care (e.g., clerical, dietary, housekeeping, maintenance).
- B. "Media" in this policy means visual or audio content or material and communication channels through which news, entertainment, education, data, or other messages are distributed. Media includes but is not limited to photos, newspapers, magazines, videos, television, music, and radio.
- C. "Pornographic material" means media which displays sexually-explicit behavior or activities.

III. PROCEDURES

- A. A patient may access media rated "Everyone 10+" (E10+) and "Teen" (T) or the equivalent movie rating "parental guidance-13" (PG-13) unless the patient has a restriction established for therapeutic reasons. Electronic games rated "Mature" (M) or "Adult-Only" (AO) are prohibited unless an exception in this policy applies.
- B. A civilly committed or voluntarily admitted patient or a patient who resides on a secure residential treatment facility (SRTF) unit (i.e., Bridges 1, Bridges 2, Bridges 3, Forest 2) may access media rated "Mature" (M) or "adult only" (AO) or the equivalent movie rating "restricted" (R) unless the patient has a restriction established for therapeutic reasons.
- C. An IDT may restrict a patient from accessing any media which contains known triggering or known traumatic content or is otherwise deemed to be detrimental to the patient's treatment.
 - 1. A patient requiring exceptional levels of restrictions from access to media must have such restrictions clearly communicated with the patient. Such restrictions must be reflected in their treatment care plan (TCP), along with goals and interventions to progressively reduce the restrictions if indicated.

2. The IDT must consider exceptional levels of restrictions for patients whose behavior or trauma may be triggered by media allowed for the patient's roommate.
- D. Group leaders will communicate media showing with Director of Treatment Services or designee and unit leadership via written communication.
- E. A HCP who wishes to show a patient R-rated or not rated media must have express, documented permission from the patient's IDT.
 1. In consideration of such requests, the IDT will review:
 - a. the media's therapeutic value,
 - b. how it would be used (e.g., discussion, etc.),
 - c. the patient's trauma history and risk mitigation, and
 - d. therapeutic goals in relation to viewing the media.
 2. The program director will review the IDT recommendation and rationale regarding the R-rated or not rated media.
- F. Before a movie may be viewed from a studio for which OSH does not have a Public Performance License or for which does not otherwise contract to provide non-theatrical public viewing of movies, the Director of Treatment Services or designee must contact the movie studio directly for written permission to use or view the movie.
- G. Electronic games purchased by OSH may not be rated higher than E10+.
- H. HCP must consult with the Music Therapy Director or designees before music may be downloaded.
- I. If a dispute arises between a patient and HCP regarding access to media, the patient may file a grievance regarding the dispute in accordance with the provisions of OSH Policy and Procedure 7.006, "Patient Grievances."

IV. REFERENCES

42 CFR § 482.13.

Joint Commission Resources, Inc. (2018). *The joint commission comprehensive accreditation manual for hospitals*, PC.01.02.13. Oakbrook Terrace, IL: Author.

Oregon Administrative Rule 309-108-0015.

Oregon State Hospital Policy and Procedure Manual. *Computer and internet access for OSH patients*, 6.030. Author.

Oregon State Hospital Policy and Procedure Manual. *Contraband and prohibited items*, 8.044. Author.

Oregon State Hospital Policy and Procedure Manual. *Patient grievances*, 7.006. Author.

Oregon State Hospital Policy and Procedure Manual. *Patient property and valuables: handling and storage*, 8.037. Author.

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Oregon State Hospital Policy and Procedure Manual. *Staff response to alleged criminal acts and contraband*, 8.019. Author.

Oregon State Hospital Policy and Procedure Manual. *Trauma screening*, 6.052. Author.