



Rancho Los Amigos National Rehabilitation Center

ADMINISTRATIVE POLICY AND PROCEDURE

**SUBJECT: LAW ENFORCEMENT AGENCY VISITS
WITH PATIENTS**

Policy No.: B701.2
Supersedes: February 16, 2016
Revision Date: November 1, 2021
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PURPOSE:

To ensure that patient rights are protected at all times and to establish parameters within which law enforcement agency visits and investigations may be conducted.

POLICY:

Patients, except those who are arrested or under law enforcement custody, have a right to accept or to refuse non-court ordered visits, interviews, and/or photographing by law enforcement agencies.

Law enforcement personnel will be given access to non-custody patients, only if the patient or patient's surrogate decision maker consents. Verbal consent is acceptable.

Workforce members are not to impede or to curtail law-enforcement investigations, except when the patient's health would be endangered.

To minimize disruption of patient care or services, Rancho workforce members shall assist law enforcement agencies to the extent that such cooperation is legal and in accordance with Federal, State, or County ordinances. As such, workforce member will attempt to expedite the process of obtaining patient consent to the visit and provide privacy. Workforce members are not authorized to influence a patient's decision or to participate in the interview or investigation of non-facility related matters.

DEFINITIONS:

In Custody: Patients who are under arrest or incarcerated.

Direct Interest: Patients who are victims of, suspects in, or witnesses of a crime.

Law Enforcement Personnel: Officer sworn to maintain public order and law enforcement including activities of prevention, detection, and investigation of crime and the apprehension of criminals.

PROCEDURE:

EFFECTIVE DATE: February 2000

COUNTY OF LOS ANGELES • DEPARTMENT OF HEALTH SERVICES

APPROVED BY:

The outside law enforcement agency must go to the campus Sheriff Station for verification and clearance prior to visiting any location within Rancho grounds. Phone calls and queries from outside law enforcement agencies must also be directed to campus Sheriff for verification and clearance. It is under the discretion of campus Sheriff to accompany outside law enforcement personnel to the unit or while within Rancho grounds.

- Upon obtaining clearance from campus Sheriff, law enforcement officer must present his/ her badge to the unit staff and request access to the patient. Workforce member may also contact the Sheriff station to verify that clearance has occurred.
- Primary care nurse or charge nurse shall obtain the patient's or patient's surrogate decision maker's verbal consent for the law enforcement visit.
- If the patient consents to the law enforcement visit, the primary care nurse or charge nurse shall provide as much privacy as possible to the visit to minimize disruption of patient care.
- If the patient refuses or if the physician deems the visit will jeopardize the patient's health status, the nurse shall inform the visiting law enforcement personnel. If law enforcement personnel feel that immediate patient contact is urgent, Risk Manager, or Administrator shall be called to mediate the situation.
- For law enforcement officers engaged in immigration enforcement or immigration investigative activities, please refer to attached DHS "Sensitive Locations Policy."

Patients in Custody:

- Patients under custody or under arrest **must be accompanied and monitored at all times** by the Sheriff's Department, Probation Department, or other law enforcement agencies involved in their arrest and transport at Rancho.
- Patient's consent is not required for law enforcement interview or photographing of patients in custody.
- Outside request to contact or to visit or to obtain information related to patients in custody shall be directed to the law enforcement agency involved.

Note: Refer to Rancho Administrative Policy B886, "Patients in Police Custody"

RELEASE OF INFORMATION:

- Law enforcement personnel shall not inspect any part of the patient's medical record in patient care areas. Any request for copies of patient record must be directed to Rancho's Health Information Management (HIM) Department.
- Workforce members are not to release protected health information (PHI) without the patient's written consent.
- There are certain circumstances wherein information may be disclosed to law enforcement personnel without patient's written authorization:
 - In response to a court order, subpoena, warrant, summons or similar process;
 - To identify or locate a suspect, fugitive, material witness, or missing person. Information disclosed for this purpose is limited to name and address; date and place of birth; social security number; blood type; type of injury; date and time of treatment or death; description of distinguishing physical characteristics, including height, weight, gender, race hair, and eye color, presence or absence of facial hair, scars, and tattoos.
 - About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;
 - About a death we believe may be the result of criminal conduct;
 - About criminal conduct at the hospital; and
 - In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.

REFERENCE:

DHS Policy No. 361.16 "Verification of Identity and Authority of Individuals Requesting Protected Health Information."

DHS Policy 361.3 "Use and Disclosure of Protected Health Information (PHI) Without Authorization"
HHS.gov "Health Information Privacy"

JM:jm 2/ 2010
CM 2/2016, 4/5/19