

Supervised Visits: Patients’ Privacy Rights.

Patients at a state-operated psychiatric facility filed a lawsuit in the US District Court for the Eastern District of New York challenging the facility’s newly-adopted practice of supervising some of the patients’ visitations.

The court ruled the patients’ privacy rights were not being violated by the new practices in effect at this facility.

Only patients whose physician had ordered supervision had their visitations supervised.

The rationale for a physician ordering supervision for a particular patient was to clamp down on the smuggling of contraband into the institution, mainly tobacco which had been recently banned.

The guard stood by basically just to watch. The guard was within earshot of patients’ conversations but patients were not required to speak loudly enough for their conversations to be heard. Nor did the guard make an effort to pry into patients’ private affairs by trying to listen to what they were saying.

Supervised visitations were also monitored on video (no audio) at the nursing station and the video-only feed was taped. **Sparks v. Seltzer**, __ F. Supp. 2d __, 2009 WL 1039886 (E.D. N.Y., April 20, 2009).