

ACLU of Virginia

530 East Main Street, Suite 310 Richmond, Virginia 23219 (804) 644-8022

April 11, 2007

(Via Facsimile 757/728-3390)

Priscilla Hankins, M.D.
Chief of Psychiatric Services
Hampton Veterans Affairs Medical Center
100 Emancipation Drive
Hampton, VA 23667

RE: Policy Banning Visitors for Psychiatric Inpatients

Dear Dr. Hankins:

I write to voice the ACLU of Virginia's strong objections to your policy of not allowing any visitors for psychiatric inpatients and to demand an immediate rescission of that policy. In addition to being cruel and demeaning, the policy violates both federal law and the constitutional rights of the patients under your care.

In numerous cases, our federal courts, including the U.S. Supreme Court, have made it clear that the Eighth Amendment requires that non-criminal patients in public medical facilities have the right to be treated humanely and to receive a level of care that is considered appropriate according to the professional judgment of the medical community. There is little doubt in our minds that your extraordinary blanket ban on visitors to patients in the psychiatric facility falls outside the boundaries of accepted medical practice, and therefore violates this constitutional mandate.

In addition, under the Patients Rights provisions of federal regulations of the Department of Veterans Affairs (38 C.F.R. 17.33), all patients are guaranteed the right to communicate freely and privately with persons outside the facility, including "the opportunity to meet with visitors during regularly scheduled visiting hours."

This right is not to be denied to any patient absent an individualized assessment of the particular patient.

Without doubt, you are in violation of the Patient Rights regulations.

I have asked the legal staff at the ACLU of Virginia to expedite their legal research, to prepare a plan of action for litigation, and to seek organizational approval to file a lawsuit challenging the visitor ban at your facility.

I very much hope, however, that none of this will be necessary.

The ACLU therefore asks that you provide us with immediate written assurances that the policy is no longer being enforced and that you are proceeding forthwith to have it officially rescinded.

Please do not hesitate to call me or ACLU of Virginia Legal Director Rebecca K. Glenberg (804) 644-8080 should you have any questions.

I thank you for your attention to this matter.

Sincerely,

Kent Willis
Executive Director