

## Nude photo found on hospital phone

SBI asked to look into Butner find

BY MICHAEL BIESECKER, Staff Writer

RALEIGH - The State Bureau of Investigation has been asked to review allegations that employees at a state mental hospital in Butner used a cell phone to take nude photos of at least one patient.

Two health care technicians from Central Regional Hospital are on paid leave while the investigation proceeds, Renee McCoy, spokeswoman for the state Department of Health and Human Services, said Monday.

The employees, whose names were not released, were sent home after a cell phone provided by hospital administrators Wednesday was found to contain a picture of a partially nude male, according to an incident report filed with Butner Public Safety, a state police agency with jurisdiction over the hospital.

Public Safety officers seized the phone and are investigating the incident in cooperation with the SBI, according to the incident report.

Vicki Smith, executive director of the advocacy group Disability Rights North Carolina, said that hospital staff photographing nude mental patients would constitute an "appalling" violation of privacy rights.

A judge issued a restraining order against the department last year after Disability Rights sued over concerns about patient safety and insufficient staffing at the new \$138 million hospital in Butner.

"We find it extremely disturbing that after all that has happened we would still be investigating staff behavior that is so clearly inappropriate," Smith said. "These folks are vulnerable. To be put in a position of being exploited by the very people who are supposed to be treating them is unconscionable."

Michael Hennike, the director at Central Regional, sent an e-mail to all hospital staff last week to remind them of existing policies that forbid the use of cell phones in areas where patients are present.

"Nursing policy does not permit cell phones, mobile phones, or pagers that are personal property to be carried during work hours or while performing patient care duties," Hennike wrote. "Failure to follow this policy will result in disciplinary action."

The latest allegation comes less than two months after the SBI was brought in to investigate reports that staff at Central Regional's Raleigh campus, as the former Dorothea Dix Hospital is now called, had sex with female inmates working there as part of labor program.

Three male employees suspected of having sex with the inmates lost their jobs, while a fourth employee resigned under suspicion she helped inmates violate security procedures by setting up bank accounts, access e-mail and make unauthorized phone calls.

No criminal charges have been filed, though state employees having sex with people in state custody is a felony punishable by up to 31 months in prison for each count.

Despite Gov. Beverly Perdue's repeated pledges of greater government transparency, Lanier Cansler, the health and human services secretary, has refused to release reports on his agency's investigation into allegations of illicit sex and favors at Dix.

McCoy, the department's spokeswoman, said last month that releasing the report would violate the personnel privacy protections afforded to the dismissed workers.

On Monday, McCoy said there was no word on when the department's review of the Dix employees would be complete. "[We're] not sure when the books will close on this one," McCoy said.

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