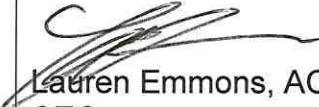


<b>CHAPTER</b> Recipient Rights	<b>CHAPTER</b> 04	<b>SECTION</b> 003	<b>SUBJECT</b> 10
<b>SECTION</b> Individual Rights		<b>DESCRIPTION</b> Freedom of Movement	
<b>WRITTEN BY</b> Lisa K. Jolly, B.S. Recipient Rights Officer	<b>REVISED BY</b> Lisa K. Jolly, B.S. Recipient Rights Officer	<b>AUTHORIZED BY</b>  Lauren Emmons, ACSW CEO	

**APPLICATION:**

<input checked="" type="checkbox"/> CMH Staff	<input checked="" type="checkbox"/> Board Members	<input checked="" type="checkbox"/> Provider Network	<input checked="" type="checkbox"/> Employment Services Providers
<input checked="" type="checkbox"/> Employment Services Provider Agencies	<input checked="" type="checkbox"/> Independent Contractors	<input checked="" type="checkbox"/> Students	<input checked="" type="checkbox"/> Interns
<input checked="" type="checkbox"/> Volunteers			

**POLICY:**

This policy is to insure a right to freedom of movement for persons served and to establish agency policies and procedures to restrict and/or limit movement of a person served when documented and appropriate consistent with the service needs of the person served. This policy will apply to all Lapeer County Community Mental Health programs and services as well as those contracted by the Lapeer County Community Mental Health Services Board. Contracts between LCCMH and other care providers shall also require compliance with these standards.

It is the policy of the Lapeer County Community Mental Health Services Board that a person served will be placed in the least restrictive setting [MHC 708(3)].

It is the policy of Lapeer County Community Mental Health that before the institution of any restrictions or limitations, a positive behavioral approach is used. This includes a functional assessment, results of physical or medical causes of problematic behavior, peer-reviewed literature and evidence of efforts to find other solutions. There should also be evidence of the kinds of positive behavioral supports or interventions, including their amount, scope, and duration, that have been attempted to improve the behavior and have proved to be unsuccessful. This includes teaching the person served new skills and/or making changes in their environment.

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### STANDARDS:

The freedom of movement of a person served shall not be restricted more than is necessary to provide mental health services to him or her, to prevent injury to him or her or to others or to prevent substantial property damage, except that security precautions appropriate to the condition and circumstances of an individual admitted by order of a criminal court or transferred as a sentence-serving convict from a penal institution may be taken [MHC 744(1)]. Any restriction must be documented in the record of the person served and include the justification and time the restriction expires [MHC 744(2)].

Any restriction on freedom of movement of the person served shall be removed when the circumstances that justified its adoption ceases to exist [MHC 744(3)]. Freedom of movement may be restricted or limited by a general restrictions policy, which may include the following:

1. Areas that could impair the effective functioning of the agency.
2. Restrictions based on criteria such as age (e.g., minor restrictions versus adult restrictions); sex (e.g. women's and men's restrooms); or physical condition (e.g. wheelchair, crutches, isolation).
3. Areas that could cause safety or security problems.
4. Temporary restrictions from areas for reasonable unforeseeable activities, such as repairs or maintenance.
5. Emergencies in case of fire, tornadoes, flood, bomb threats, etc.
6. Purpose and description (e.g. doctor's examination room for efficient functioning).

### PROCEDURES:

- A. Persons served and their guardians shall be informed of the right to freedom of movement for the person served and any restriction or limitation of this right. Persons served shall also be given freedom to access areas suited for vocational, social and recreational activities. The person served and guardian shall also receive a copy of the agency's general restrictions.
- B. Individual limitations may also be set when necessary to receive treatment, to provide mental health services, to prevent injury to the person served or others. Any restrictions must be documented in the plan of service. This documentation

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should include methods to re-instate any restrictions, the reason for the restriction and why the restriction is being instituted. Restrictions will be reviewed by the Behavior Treatment Plan Review Committee (BTPRC) and if applicable be removed when the justification for the restriction is no longer appropriate or necessary. This review shall be conducted monthly through the BTPRC review.

- C. Individual limitations or restrictions of freedom of movement for the person served shall be an exception, not a routine component of treatment plans for all persons served in a program. (If everyone's rights are to be restricted, justification will be provided in the agency's policies.)
- D. The plan of service will also include documentation which describes attempts that were made to avoid the restrictions and actions that will be taken as part of the plan to improve or eliminate the need for the restriction in the future.
- E. APPEAL PROCESS:
  - 1. Persons served and their parent or guardian have the right to appeal individual limitations restricting freedom of movement and the denial of leave request. The appeal process shall be for those restrictions, which are substantial in scope and duration.
  - 2. Upon admission, the program coordinator or case manager shall explain to the person served and parent or guardian the agency's general policies and procedures on restrictions of freedom of movement and give the person served and parent or guardian a copy of the agency's general policies and procedures on restrictions of freedom of movement. He or she will also explain that the restrictions on freedom of movement may be appealed either verbally or in writing to the Office of Recipient Rights, or the Chief Executive Officer of Lapeer County Community Mental Health.
  - 3. The treatment team staff, in consultation with the BTPRC, shall determine if further limitations on the freedom of movement are needed, guided by the condition / behavior of the recipient and the Lapeer County Community Mental Health Services Board policies. Staff will document justification, authorization, duration and review date for any further individual limitations of freedom of movement in the plan of service for the person served and explain further limitations to the person served and parent or guardian in understandable terms.

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**DEFINITIONS:**

Freedom of movement: the right to freedom of movement entitles persons served to have access to grounds and buildings, unless generally restricted by agency policies and procedures or limited in individual plans of service with justification and documentation. Freedom of movement also entitles persons served to the least restrictive modalities of treatment unless more restrictive measures are authorized and documented in the plan of service. Persons served have the right to appeal restriction on freedom of movement.

Groups of persons served: classifications of persons served by administrative and/or programmatic determination, which may be temporary or permanent.

Limitation: individual rules governing the specific limitations of freedom of movement for the person served.

Qualified Mental Health Professional: Individual with specialized training or one year experience in treating or working with a person who has mental illness; and is a psychologist, physician, educator with a degree in education from an accredited program, social worker, physical therapist, occupational therapist, speech-language pathologist, audiologist, registered nurse, therapeutic recreation specialist, licensed or limited-licensed professional counselor, licensed or limited licensed marriage and family therapist, or a licensed physician’s assistant.

Restrictions: laws, rules and policies governing specific restrictions of freedom of movement for a person served or group of persons served.

**REFERENCES:**

Act 258, Public Acts of 1974, as amended, 330.1126 and 330.1744.

Questions regarding this policy and procedure may be addressed to the Chief Executive Officer or to any member of the management team.

LKJ:mgr

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This policy supersedes  
#12/09051 dated 12/22/2009.  
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