


CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 15
SECTION Individual Rights		DESCRIPTION Right to Access—Communication/Mail/ Telephone/Visits/Entertainment Materials/ Information and News	
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APPLICATION:

<input checked="" type="checkbox"/> CMH Staff	<input type="checkbox"/> Board Members	<input checked="" type="checkbox"/> Provider Network	<input checked="" type="checkbox"/> Employment Services Providers
<input 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	<input checked="" type="checkbox"/> Persons Served		

POLICY:

Persons served by Lapeer County Community Mental Health (LCCMH) have the right to access printed material, television, radio, recordings, movies, telephone, and mail.

STANDARDS:

- A. A person served is entitled to unimpeded, private, and uncensored communication with others by mail and telephone, and to visits with persons of his or her choice, except in circumstances and under the conditions set forth in this policy.
- B. A person served will not be prevented from obtaining, reading, viewing or listening to materials at his/her own expense for reasons of, or similar to, censorship [Administrative Rule 7139(1)]. Nor will they be prevented from reading written or printed material, or from viewing or listening to television, radio, recordings, or movies available at the facility for reasons of, or similar to, censorship.

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- C. Any restrictions or limitations will be specified in writing in the Individualized Plan of Service (IPOS) and approved by the Behavior Treatment Plan Review Committee (BTPRC).
- D. Before the institution of any restrictions or limitations, a positive behavioral approach is used and those attempts are documented in the clinical record. 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 must be evidence of the kinds of positive behavioral supports or interventions, including their amount, scope, and duration, attempted to improve the behavior and proven to be unsuccessful. This includes teaching the person served new skills and/or making changes in their environment.
- E. There may be limitations to entertainment materials, information or news only if such limitations are specifically approved and documented in the IPOS.
- F. The right of access will not entitle a minor person served, or an adult with a guardian, to obtain and keep written or printed material, or to view television programs or movies, over objection of a minor's parent, or the adult's guardian, or if prohibited by state law. Material not prohibited by law may be read or viewed as part of the IPOS.

PROCEDURES:

Criteria for establishing restrictions for person served will include the following:

- A. The need for a restriction or limitation will be specified in a Person-Centered process and approved by the treatment team.
- B. A restriction or limitation may be imposed if justification for its application is documented in the case record and the restriction or limitation is incorporated in the IPOS.
- C. Minors have the right to access materials not prohibited by law unless the legal guardian of a minor objects to this access. However, the case manager will be permitted to attempt to persuade a parent or guardian of a minor to withdraw objections to these materials.

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- D. A restriction or limitation will be removed when no longer clinically justified. In no instance will more than thirty days pass without re-assessment of the restriction.
- E. Each residential provider will comply with Home and Community Based Standards (HCBS) with all procedures, including the following:
1. There cannot be any general restrictions on access to materials for reading, listening or viewing. If there is concern regarding viewing, then it will be addressed in the Individual Plan of Service and be reviewed by the BTPRC.
 2. Provide for a determination of resident interest in and for the provision of a daily newspaper.
 3. Specify any limitations or restrictions in the IPOS.
 4. Persons served, through a house meeting, can establish “guidelines” they would like to have posted at each site. If there is a therapeutic benefit to the group, it should go through the house meeting process and comply with the HCBS Rule. If an agreement cannot be reached the provider or the person served can file a complaint with the Recipient Rights Officer.
 5. Telephone: Telephones will be reasonably accessible and funds for telephone usage will be available in reasonable amounts [Mental Health Code 726(2)].
 6. Telephone / Visits: Reasonable times and places for the use of telephones and for visits may be established and if established, will be in writing and posted in each living unit of a residential program [MHC 726(3)].
 7. Space will be made available for visits [MHC 726(2)].
 8. A resident will be able to secure the services of a mental health professional and be allowed to see the provider at any reasonable time [MHC 714].
 9. Mail: Correspondence can be conveniently and confidentially received and mailed. Writing materials and postage are provided by a provider in reasonable amount [MHC 726(2)].

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10. Limitations on communication do not apply to a resident and an attorney or court or any other individual if the communication involves matters that may be the subject of legal inquiry [MHC 726(5)].

11. Instances of opening or destruction of mail by staff are to be documented in the record [MHC 726(4)].

12. This policy requires a postal box or daily pickup and deposit of mail [MHC 726(2)].

F. The right to communicate by mail or telephone or to receive visitors will not be further limited except as authorized in the person's plan of service [MHC 726(4)].

G. A resident (parent or guardian if appropriate), or parent of a minor person served will be able to appeal any of these restrictions. The case manager will request their supervisor or the BTPRC to review the components of the restriction. Any decisions will be documented in the clinical record. If the person served or guardian is dissatisfied, they may submit a request to the Chief Executive Officer or they may file a complaint with the Recipient Rights Officer.

DEFINITIONS:

Home and Community Based Services Rule (HCBS): The HCBS Final Rule aims to improve the quality of the lives of individuals, allowing them to live and receive services in the least restrictive setting possible with full integration in the community.

KJ:mgr

This policy supersedes
#12/09052 dated 12/22/2009.
