

# **ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH**

## **ADMINISTRATIVE POLICY**

**Date Issued 07/16/24**

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### **I. APPLICATION:**

- ☐ SCCCMH Board
- ☒ SCCCMH Providers & Subcontractors
- ☒ Direct Operated Programs
- ☒ Community Agency Contractors
- ☒ Residential Programs
- ☒ Specialized Foster Care

### **II. PURPOSE STATEMENT:**

St. Clair County Community Mental Health (SCCCMH) recognizes residents have the right to access/use their personal clothing and possessions as space permits unless specific possessions are contra-indicated in their treatment plan or restricted by facility policy.

### **III. DEFINITIONS:**

- A. Adult Foster Care Facility: Includes licensed facilities and foster care family homes for adults who are aged, mentally ill, intellectually/developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.
- B. Resident: An individual who receives services in a facility.

### **IV. STANDARDS:**

- A. All residents have access to receive, possess, and use all personal property, including clothing.
- B. A provider shall not prevent a resident from acquiring entertainment materials, information, and news at their expense, or from reading written or printed material, or from viewing or listening to television, radio, recordings, or movies made available at a facility for reasons of, or similar to, censorship.
- C. A provider shall determine, in consultation with its residents, interest in reading a daily newspaper, and provide one, if requested.
- D. Limitations to entertainment, information, and news items may be imposed if documented in a resident's Individual Plan of Services.
- E. Limitations to entertainment, information, and news items must include a justification for its

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application and shall be documented in the record of the resident.

- F. A provider may limit access to entertainment materials, information, or news only if such a limitation is specifically approved in the resident's individualized plan of service. A provider shall document each instance when a limitation is imposed in the resident's record.
- G. The right of access shall not entitle a minor resident to obtain and keep written or printed material, or to view television programs or movies, over objection of a minor's parent or guardian, or if prohibited by state law. The minor resident's case holder may attempt to encourage a parent or guardian to withdraw objections for the minor to obtain/view legal materials; however, if the parent/guardian continues to object, the materials shall not be provided to the minor unless otherwise indicated in the minor resident's Individual Plan of Services.
- H. House guidelines may be developed by residents, and must be specified in writing, posted in a conspicuous area of the facility, and provided to the residents of the facility.  
\*House Rules created by a facility are NOT PERMITTED.
- I. If a resident's access to entertainment, information, and news items is denied, an appeal may be submitted to the SCCCMH Office of Recipient Rights.
- J. Providers may exclude/restrict certain personal possessions/items by policy. Criteria and justification for exclusions/restrictions of particular kinds of property shall be documented and posted in each residential facility. Exclusions/restrictions to personal possessions/items must be disclosed to individuals prior to their admission to a facility. Exclusions/Restrictions may be appropriate to the mental or chronological age of the residents, or determined for the health and safety of the residents. Exclusions/Restrictions can include all of the following items:
  - 1. Weapons, such as firearms, knives, and sharp objects, and/ explosives.
  - 2. Medications, whether prescribed or not, unless possession of the medication is specifically authorized by the resident's physician and documented in the resident's Individual Plan of Services.
  - 3. Alcoholic beverages.
  - 4. Tobacco products, to include vapes and e-cigarettes.
  - 5. Cannabis, also known as marijuana.
- K. Each facility shall develop procedures whereby a resident, who is suspected of possessing an excluded/restricted item, can be searched. All searches must be for a good reason or identified in the resident's Individual Plan of Services. Residents have the right to be present when their belongings are searched, and have the right to be notified of the result of the search. All searches and any items seized must be documented, including a description of the excluded/restricted item seized. Searches must occur in the presence of a witness. The resident's treatment team should address the resident's possession of excluded/restricted items.
- L. A resident may appeal the exclusion/restriction of personal possessions/items to the SCCCMH

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Office of Recipient Rights.

- M. Each facility shall provide a reasonable amount of storage space for each resident. Each resident must be able to inspect stored items at reasonable times.
- N. The resident's Individual Plan of Services may limit their right to possess/store personal property if the limitation is essential for one of the following purposes:
  - 1. To prevent theft, loss, or destruction of the property, unless the resident signs a waiver.
  - 2. To prevent the resident from physically harming themselves, or others.
- O. A limitation shall include a written justification for the limitation, be time-limited, and include a description of the circumstances that justify the limitation. A receipt must be provided to the resident including an inventory of all personal possessions/items secured by the facility, and all personal possessions/items must be returned to the resident when the resident is discharged from the facility.

V. PROCEDURES:

**Residential Program/Specialized Foster Care Home Provider**

- 1. Advises residents, prior to admission, of the kinds and amount of clothing and possessions permitted for personal use and whether the facility will accept responsibility for maintaining these items (cleaning, laundry, storage).
- 2. Identifies, upon admission, each resident's personal clothing and/or possessions brought to the facility, and records such on an inventory log.
- 3. Gives each resident/resident's guardian a copy of their inventory log and maintains a copy of the inventory log in the facility's central file.
- 4. Stores each resident's personal clothing and/or possessions in a secure place, if requested.
- 5. Returns personal clothing and/or possessions to each resident promptly upon request (unless contra-indicated by the treatment plan), or upon discharge.
- 6. Provides readily accessible storage for each resident's personal clothing and/or possessions.
- 7. Reviews each resident's inventory log at least annually or when there is a significant change in personal clothing and/or possessions, updates inventory logs, provides a copy of the updated inventory log to each resident/resident's guardian, and maintains a copy of the inventory log in the facility's central file.
- 8. Documents description of searches, reasons for searches, and results of searches in each resident's record to include any items seized. Completes an Incident Report documenting each search. Includes rationale for a search, names of individuals performing and witnessing the search, and description of

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property seized during/after the search.

### **Case Holder**

9. Specifies limitations to a resident's rights in their Individual Plan of Services.
10. Provides training to residential providers regarding a limitation and expected interventions prior to the implementation of the limitation.
11. Ensures the resident is notified of their right to appeal the limitation and ensures the resident is provided with contact information for the SCCCMH Office of Recipient Rights.

### VI. REFERENCES:

- A. Michigan Mental Health Code, Sections 330.1100 and 330.1728
- B. MDHHS Administrative Rules, R 330.7139 and R 330.7199

### VII. EXHIBITS:

None Available

### VIII. REVISION HISTORY:

Dates issued 05/88, 03/91, 05/93, 07/94, 12/96, 01/99, 12/00, 12/02, 11/04, 01/07, 12/08, 10/11, 03/13, 03/14, 03/15, 03/16, 03/17, 03/18, 03/19, 03/20, 03/21, 07/22, 09/23.