

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

## **ADMINISTRATIVE PROCEDURE**

Date Issued **09/23**

Page 1

<b>CHAPTER</b> Recipient Rights		<b>CHAPTER</b> 05	<b>SECTION</b> 003	<b>SUBJECT</b> 0030
<b>SECTION</b> Individual Rights		<b>SUBJECT</b> Communications by Mail, Telephone, and Visits		
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### **I. APPLICATION:**

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

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

St. Clair County Community Mental Health Authority (SCCCMHA) recognizes residents have the right to unimpeded, private, and uncensored communication with others by mail, telephone, and visits.

### **III. DEFINITIONS:**

- A. **Behavior Treatment Plan Review Committee:** A group consisting of, at minimum, a psychiatrist or medical doctor, a fully- or limited-licensed psychologist, and a recipients rights representative, whose tasks are to approve or disapprove any plans that propose to use restrictive or intrusive interventions, for individuals served by the public mental health system who exhibit seriously aggressive, self-injurious, or other behaviors that place the individual or others at risk of physical harm.
- B. **Individual Plan of Service (IPOS):** A written interdisciplinary service plan which identifies the specialized mental health services (including behavior management) and ancillary service needs of a person receiving services, and summarizes the habilitation and rehabilitation goals, objectives, methodologies, and expected outcomes for specified services and follows Person Centered Planning guidelines
- C. **Facility:** Means a residential facility for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or intellectual/developmental disability that is either a state facility or a licensed facility.
- D. **Resident:** Means an individual who receives services in a facility.
- E. **Special Consent:** Means obtaining the written consent of the resident, legal guardian, the parent with legal custody of a minor child, or a designated patient advocate prior to the implementation of any behavior treatment intervention that includes the use of intrusive or restrictive interventions or those which would otherwise entail violating a resident's rights.

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<b>SECTION</b> Individual Rights		<b>SUBJECT</b> Communications by Mail, Telephone and Visits		

#### IV. STANDARDS:

- A. A resident is entitled to unimpeded, private, and uncensored communication with others by mail and telephone and to visit with persons of his or her choice, except in the circumstances set forth in this administrative procedure. Communication shall be considered an individual right and not a privilege to be earned.
- B. A facility must ensure telephones are reasonably accessible, correspondence can be conveniently and confidentially received and mailed, and appropriate space is available for visits. In addition, a facility shall ensure writing materials and postage is provided in reasonable amounts to residents who are unable to procure such items.
- C. A facility may establish reasonable times and places for the use of telephones and for visits, and, if established, these guidelines shall be in writing and posted in each living unit of a residential program.
- D. The right of a resident to communicate by mail or telephone or receive visitors shall not be further limited except as authorized in the resident's Individual Plan of Services.
- E. Limitations upon rights shall not apply between a resident and an attorney or in a court, or between a resident and other individual if the communication involves matters that are or may be the subject of legal inquiry (e.g. law enforcement agencies, Office of Recipient Rights, Protective Services, and Licensing and Regulatory Affairs).
- F. If a resident can secure the services of a mental health professional, he or she shall be allowed to see the professional at any reasonable time.

#### V. PROCEDURES:

##### **Group Home Supervisor/Designee/Specialized Foster Care Provider**

1. Provides daily distribution of mail, excluding Sundays and holidays, non-letterhead stationery, envelopes, and pens or pencils, upon request, a postal box or daily pickup and deposit of mail, excluding Sundays and holidays, telephones for telephone calls, and space for visits. Any limitation to a resident's rights must be approved by the Behavior Treatment Plan Review Committee and included in the resident's Individual Plan of Services.
2. Informs case holder/clinician of any concerns relative to communication via mail, telephone, and visits which places the resident or others at risk of physical harm. For ongoing concerns, recommends the Behavior Treatment Plan Review Committee completes a case review to determine if a limitation is necessary.

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### **Behavior Treatment Plan Review Committee (BTPRC)**

3. Dis/approves recommendations to limit a resident's rights based on the following information:
  - a. Has the resident exhibited seriously aggressive, self-injurious, or other behavior that places the resident or others at imminent risk of physical harm?
  - b. Have other less intrusive/restrictive interventions been attempted, and proven unsuccessful?
  - c. Have assessments been completed to rule out physical, medical, and environmental conditions that may be the cause of the behavior?
  - d. Does the recommendation to limit the resident's rights include actions that will be taken to reduce or eliminate the need for the limitation in the future?
4. If approved by the BTPRC, amends the Individual Plan of Services to include the components of the limitation, which much include the following information:
  - a. A description of the right being limited.
  - b. A justification for the limitation. Documentation shall be included that describes attempts that have been made to avoid the limitation, as well as the actions that will be taken as part of the plan to ameliorate or eliminate the need for the limitation in the future.
  - c. A date of expiration/review of the limitation.
  - d. An indication that the limitation is the least restrictive or intrusive action possible.
5. Ensures Special Consent is secured prior to the implementation of the limitation.

### **VI. REFERENCES:**

- A. Medicaid Provider Manual, Home and Community Based Services Chapter, Section 3 – Home and Community Based Settings
- B. Michigan Mental Health Code, Sections 330.1715 and 330.1726
- C. Michigan Department of Health and Human Services Administrative Rules, R 330.7199
- D. Michigan Department of Health and Human Services Mental Health and Substance Abuse Administration Technical Requirement for Behavior Treatment Plan Review Committees

### **VII. EXHIBITS:**

None available

### **VIII. REVISION HISTORY:**

Dates issued 05/88, 01/91, 03/93, 07/96, 09/97, 08/99, 09/01, 09/03, 08/05, 08/07, 10/09, 01/12, 05/13, 05/14, 05/15, 05/16, 05/17, 09/17, 09/18, 09/19, 11/20, 09/21, 09/22.