

ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE PROCEDURE

Date Issued **09/23**

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SECTION Individual Rights		SUBJECT Residents' Use of Tobacco		
WRITTEN BY Residential Policy Committee		REVIEWED BY Telly Delor		AUTHORIZED BY Tracey Pingitore

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) acknowledges that in the State of Michigan individuals 21 years of age and older are legally able to purchase and use tobacco products.

III. DEFINITIONS:

- A. 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.
- B. Resident: Means an individual who receives services in a facility.

IV. STANDARDS:

- A. Residential facilities funded by SCCCMHA will encourage cessation of tobacco use by residents less than 21 years of age. If a detoxification program is necessary, it will be addressed prior to placement.
- B. Residents 21 years of age or older may purchase tobacco with their personal funds and are permitted to use tobacco according to facility policy.
- C. The use of tobacco by a resident 21 years of age or older may be restricted/limited, without consent, for fire safety reasons when specified in policy/administrative procedure or in the resident's Individual Plan of Services. Reasons for the restriction/limitation will be included in the facility's policy and/or resident's Individual Plan of Services.
- D. Attorney General Opinion No. 6719 of 5-4-92 stipulates that neither state nor federal discrimination laws preclude a "privately-owned apartment complex from only renting to non-smokers or restricting smoking to certain buildings within an apartment complex."

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- E. Searches of residents' belongings for tobacco products are not authorized if the resident is 21 years of age or older. On an emergency basis, searches for and confiscation of fire making materials may be conducted. In such cases, as in all other searches, there must be a good reason for the search or the search must be 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(s) 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. When fire safety is the issue, the resident's Treatment Team should address fire safety with the resident.

V. PROCEDURES:

Case Holder/Designee

1. Addresses a resident's use of tobacco in their Individual Plan of Services (IPOS).
2. Details in a resident's IPOS how smoking cessation will be addressed if the resident:
 - a. Expresses a wish to discontinue smoking and asks for help in doing so, or;
 - b. Wishes to smoke, but a physician recommended they stop doing so.
3. Ensures the resident's preferences regarding residing in a smoke-free vs. smoking environment are ascertained and conveyed to the facility/provider.
4. Requests that smoking preferences are considered when formulating house guidelines for the residents of the facility. Additionally, such preferences must be considered when assisting a resident with locating to a new residence.
5. Ascertains, from each provider, their policies with respect to smoking; requests each provider honors the preferences of the residents of the facility; and discerns the manner of handling designated smoking areas, especially regarding resident preferences.
6. Encourages contractors to adhere to the **Michigan Clean Indoor** Act, Public Act 198 of 1986, as amended.
7. Takes into account the attitudes and practices of newly recruited providers with respect to the use of tobacco for staff and residents and ensures that the provider honors the smoking preferences of the residents, formulating policies that give consideration to these preferences, and if smoking is permitted, specifies the manner in which employee smoking and resident preferences will be addressed.

Group Home Supervisor/Foster Care Provider/Residential Facility Director

8. Prohibits smoking in residences where smoking is prohibited. Staff shall ensure that a notice of the designated tobacco use area is included in the facility's policy on smoking. The policy shall include

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areas other than those deemed hazardous, or those where flammable liquids, combustible gases, or oxygen are used or stored.

Residential/Specialized Foster Care Home Staff

9. Ensures use of tobacco only occurs in the areas designated by facility policy.
10. Ensures that residents are notified of their right to be present during a search.
11. Completes an Incident Report, per SCCCMHA administrative procedure #05-001-0040, Incident Reporting, when searches are completed. Documents the rationale for the search, the results of the search, the names of the individuals performing and witnessing the search, and a description of property seized.
12. Ensures residents have access to purchase tobacco with their personal funds through regularly scheduled shopping trips.

VI. REFERENCES:

- A. Michigan Clean Indoor Air Act , Public Act 198 of 1986, as amended
- B. Michigan Mental Health Code, Sections 330.1100b and 330.1700
- C. MDHHS Administrative Rules, R 330.7009(7)
- D. Tobacco 21 legislation

VII. EXHIBITS:

None Available

VIII. REVISION HISTORY:

Dates issued 05/88, 10/92, 04/96, 08/98, 09/00, 08/02, 08/04, 08/06, 08/08, 08/10, 05/12, 01/14, 01/15, 01/16, 01/17, 03/18, 03/19, 03/20, 03/21, 07/22.