

(was MCCMH Policy 9-07-100)

Chapter: **RECIPIENT RIGHTS**
Title: **COMMUNICATION: TELEPHONE, VISITING RIGHTS, MAIL**

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Approved by: BOARD ACTION


Executive Director

08/29/12
Date

I. Abstract

This policy establishes the standards of the Macomb County Community Mental Health (MCCMH) Board regarding rights of recipients in MCCMH residential settings to communicate with others by mail and telephone and to visit with persons of his/her choice.

II. Application

This policy applies to all directly-operated and contract network providers of the MCCMH Board.

III. Policy

It is the policy of the MCCMH Board that residents' rights to communication by mail and telephone and visits shall be protected pursuant to the Michigan Mental Health Code.

- A. A resident is entitled to unimpeded, private and uncensored communication with others by mail and telephone and to visit with persons of his/her choice, except in the circumstances and under the conditions set forth in this policy.
- B. Each facility shall make telephones reasonably accessible, ensure that correspondence can be conveniently and confidentially received and mailed, and make space for visits available. Writing materials, telephone usage funds, and

postage shall be provided in reasonable amounts to residents who are unable to procure such items.

- C. Reasonable times and places for the use of telephones and for visits may be established and, if established, 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 limited except as authorized in the resident's individual plan of service.
- E. Limitations on the right to communication shall not apply between a resident and an attorney or a court, or between a resident and other individuals if the communication involves matters that are or may be the subject of legal inquiry.

IV. Definitions

- A. Facility
Any inpatient or residential services provider of the MCCMH Board.
- B. Legal Inquiry
Any matter concerning civil, criminal, or administrative law.

V. Standards

- A. Telephone Calls
 - 1. A resident shall be provided access to a telephone for incoming and outgoing calls during hours stated in written policy, unless the resident is in seclusion (in a Child Caring Institution) or otherwise restricted pursuant to an approved plan of service.
 - 2. In establishing telephone hours, the inpatient unit/residential facility shall do all of the following:
 - a. Provide for telephone calls to be made and received not less than during daytime shift hours and not less than two evening hours.
 - b. Post the times incoming and outgoing telephone calls are permitted in all telephone areas and on resident bulletin boards.
 - c. Set policies and procedures for all residents which may limit the length of incoming/outgoing calls; such limitation shall not be less than five minutes.

- d. Provide for the allocation and distribution of reasonable funds for telephone calls for indigent residents.
3. Restrictions that are more limiting than general residence rules for an individual resident's incoming/outgoing telephone calls shall be specifically identified in the resident's individual plan of service. Criteria for such a restriction shall include one of the following:
 - a. Prevention of serious physical or mental harm.
 - b. Prevention of violation of law by a resident.
 - c. Prevention of expected future telephone harassment by a resident against an individual previously harassed who has complained. A limitation to prevent harassment shall require a written request from the victim of the harassment.
 - d. Prevention of harassment limitations shall meet criteria defined in policies/procedures of the inpatient/residential center or case management agency including frequency or content of past calls which constitute harassment.

B. Visits

1. A resident shall be guaranteed regular visiting hours, unless the resident is in seclusion (Child Caring Institutions only), or otherwise restricted in an approved treatment plan.
2. Visiting hours shall be scheduled to be least disruptive of normal treatment activity and to occur no less than three days weekly.
3. Visiting hours shall be posted in waiting rooms and in a centralized, accessible location within the residence.
4. Adequate space shall be provided for residents to visit with visitors in privacy.
5. Restrictions on a resident's visits shall be specifically identified in the resident's individual plan of service. Limitations on visits shall be established only to prevent serious physical or mental harm. Mental harm may include a visit that, in the opinion of clinical staff, would substantially upset the resident and interfere with ongoing treatment or rehabilitation.
6. Appropriate modifications in visiting hours shall be made for minors attending school.

C. Mail

1. A resident shall be provided daily distribution of mail unless the resident is in seclusion (Child Caring Institution only), or otherwise restricted. Such limitation must also have been incorporated into the resident's individual plan of service.
2. A postal box or daily pickup and deposit of mail shall be provided.
3. Stationery, envelopes, pens/pencils, and reasonable funds for postage shall be furnished upon request for indigent residents.
4. Incoming and outgoing mail for a resident shall not be opened or destroyed unless a resident, a legally empowered guardian, or the parent of a minor resident has consented that an article of mail may be opened by a designated person. If there is reasonable belief that an article of mail is in violation of a limitation, then that article of mail shall be opened by staff in front of the resident. All instances of opening or destruction of mail by staff shall be recorded in the resident record. Limitations shall be identified in the resident's plan of service.
5. Restrictions on a resident's outgoing or incoming mail shall be specifically identified in a resident's individual service plan. Criteria for limitations shall include one of the following:
 - a. Prevention of serious physical or mental harm.
 - b. Prevention of violation of a law by a resident.
 - c. Substantial reason to believe that the mail contains items excluded by written policies of the inpatient unit/residential center.
 - d. Reason to believe that the mail contains items which are limited in the resident's written plan of service.

D. For all limitations, the following criteria shall be met:

1. A limitation is the minimum restriction necessary to achieve the purpose(s) proposed.
2. A limitation is supported by documentation, entered in the resident's record, establishing the following:
 - a. Reasons which justify the limitation, i.e., significant evidence supporting the potential mental or physical harm, the violation of law, or harassment.

- b. A specific expiration date at which time the limitation will be re-assessed. Reassessment shall occur no more than thirty (30) days from the enactment of the restriction.
 - c. Approval from the Behavior Treatment Plan Review Committee (see MCCMH MCO Policy 8-008.)
- 3. Limitations shall be removed when no longer clinically indicated.
- 4. A resident shall be informed of a limitation on mail, telephone calls, or visits. Upon request, the resident shall be informed of the purpose a limitation is intended to achieve, the persons or entities involved, and any additional information deemed necessary.
- E. A resident (parent or guardian if appropriate) shall be able to appeal a limitation to the director or the supervisor of the case management agency of a residential center. If the issue remains unresolved or the resolution is not satisfactory, it may be appealed to the MCCMH Office of Recipient Rights. A resident may contest the justification, extent, or duration of a limitation.
- F. Current limitations shall be reviewed in conjunction with other reviews of the content of the resident's written plan of service.
- G. Sealed mail, calls to or from, and visits from a resident's private physician, or a mental health professional, a court, a resident's attorney, or other person when communication involves matters which are or may be the subject of legal inquiry shall not be limited, except that non-emergency visits of a private physician or a mental health professional may be limited to reasonable times. A time is reasonable if a visit does not seriously undermine the effective functioning of the facility. The written policies of facilities shall establish procedures insuring prompt access to private physicians or legal counsel.

VI. Procedures

- A. None.

VII. References / Legal Authority

- A. MCL 330.1726

VIII. Exhibits

- A. None.