

COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEASTERN MICHIGAN		<i>Policy and Procedure</i>	
Department Recipient Rights	# of Pages: 6		
Policy Name COMMUNICATION BY MAIL, TELEPHONE AND VISITS	Type of Policy: [] WCHO [<input checked="" type="checkbox"/>] Regional [] Network		
Policy Number	Effective Date	Revision Date 9/11/06	Approval Date 9/19/06
Administrative/Board of Directors Sign Off			
Administrative Signature:		Date:	
Board of Directors Signature:		Date:	

I. PURPOSE

To establish guidelines for developing Person Centered Plans regarding recipients' communication by mail, telephone, and visits for recipients served in licensed or supported living arrangements

II. APPLICATION

All recipients while under the care of any Community Mental Health Partnership of Southeastern Michigan (CMHPSM) staff, students, volunteers and/or contractual agencies within the provider network.

III. DEFINITIONS

Mail - Letters, magazines, packages and other material sent or received through the U.S. Postal Service, Federal Express or other carriers.

Legal Inquiry - Any matter concerning civil, criminal, or administrative law.

Uncensored - Without rebuke, reproach or disapproval; free from criticism; not judged or condemned.

Unimpeded - Not slowed or prevented; unblocked.

IV. POLICY

Recipients are entitled to unimpeded, private and uncensored communication with others by mail and telephone and to visit with persons of their choice, except in the circumstances and under the conditions set forth in Standards below and the Limitation of

Rights Policy.

Sealed mail, calls from or to, and visits from a recipient's private physician, or a CMHPSM professional, a court, a recipient'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 CMHPSM professional may be limited to reasonable times. A time is reasonable if a visit does not seriously tax the effective functioning of the facility. The Supports Coordinator/Client Services Manager shall assure that a recipient has prompt access to his/her private physician or legal counsel.

Restrictions on rights to communication by mail, telephone and visits may be appealed verbally or in writing to the local supervisor/designee and then to the local CMH Director.

Reasonable times for the telephone use and reasonable times and places for visits may be established as House Rules, developed in writing and posted in accordance with the Limitation of Rights Policy. The right to communicate by mail or telephone or to receive visitors shall not be further limited unless the limitation is specifically identified in the Limitation of Rights section of the Person-Centered Plan in accordance with procedures in Limitation of Rights Policy.

V. EXHIBITS

None

VI. REFERENCES

Michigan Mental Health Code, Public Act 258 of 1974, as amended - Sec. 715, 726.
Limitation of Rights Policy

VI. PROCEDURES

WHO	DOES WHAT
Licensed Residential Services Provider or Director/Designee	A. <u>Mail, Incoming</u> <ol style="list-style-type: none"> 1. Mail for a recipient shall not be opened unless: <ol style="list-style-type: none"> a. the recipient, a legally empowered guardian, or the parent of a minor has consented that an article of mail may be opened by a designated person, or b. There is reasonable belief that the mail is in violation of law or House Rules, or c. Authorized in the recipient's Person-Centered Plan.

Licensed Residential Services Provider or Director/Designee

2. Instances of opening or destruction of mail by staff shall be recorded on an *Incident Report* and documented in the recipient's record.
3. A limitation may be imposed on a recipient's right to receive incoming mail if:
 - a. A limitation is essential to prevent serious physical or mental harm.
 - b. There is reason to believe that the mail contains items excluded by the written policies of the facility.
 - c. There is reason to believe that the mail contains items which are limited in the recipient's Person-Centered Plan.
 - d. A limitation is essential to prevent a recipient from violating a law.

Licensed Residential Services Provider or Director/Designee

B. Mail, Outgoing

1. Each residential facility shall insure that writing materials, including non-letterhead stationery and postage, are provided in reasonable amounts for recipients unable to procure such items.
2. There shall be a postal box available or other arrangements for daily pickup and deposit of mail.
3. A limitation may be imposed on a recipient's outgoing mail if there is reasonable cause to believe:
 - a. A limitation is essential in order to prevent substantial and serious physical or mental harm.
 - b. It is essential to prevent a resident from violating a law.
4. Instances of opening or destruction of mail by staff shall be recorded on an *Incident Report*.

Licensed Residential Services Provider or Director/Designee

C. Telephone Calls

1. Each residential facility shall make a telephone reasonably accessible and provide reasonable amounts of telephone usage funds to those unable to provide their own.
2. Residential facilities may set limits to the length of incoming and outgoing calls, but to not less than five minutes.
3. Times when incoming and outgoing calls are permitted shall be posted in written House Rules in all telephone areas, guest areas and on recipient bulletin boards.

WHO

DOES WHAT

Licensed Residential
Services Provider or
Director/Designee

4. A limitation may be imposed on outgoing telephone calls if:
 - a. A limitation is essential to prevent substantial and serious physical or mental harm.
 - b. A limitation is essential to prevent a recipient from violating a law such as exceeding the ability to pay for long distance calls.
 - c. A limitation is essential to prevent reasonably expected future telephone harassment by a recipient of an individual previously harassed and who has complained.
5. A limitation may be imposed on incoming telephone calls if:
 - a. A limitation is essential to prevent substantial and serious physical or mental harm.
 - b. A limitation is essential to prevent a recipient from violating a law.

D. Visits

1. Adequate space, ensuring privacy for visits, shall be provided in residential facilities for recipients to receive visitors.
2. Reasonable times and places for visits may be established and, if established, shall be posted in written House Rules.
3. A limitation may be placed on a recipient's right to have visitors only if:
 - a. A limitation is essential to prevent substantial and serious physical or mental harm. Mental harm may include a visit that, in the opinion of the client services manager/supports coordinator, would substantially upset the resident and interfere with ongoing treatment or habilitation.
4. A visit may be limited or prohibited to prevent mental harm ONLY if the person and the limitation are specifically identified in the Limitation of Rights section of the Person Centered Plan.

WHO

Non-Licensed
Residential Services
Provider (supported
Living arrangements)
Or Director/Designee

Non-Licensed
Residential Services
Provider (supported
Living arrangements)
Or Director/Designee

DOES WHAT

A. Mail, Incoming

1. Mail for a recipient shall not be opened unless:
 - a. The Recipient, a legally empowered guardian, or the parent of a minor, has consented that an article of mail be opened by a designated person, or
 - b. There is reasonable belief that the mail is in violation of law or House Rules, or
 - c. Authorized in the recipient's Person-Centered Plan.
2. Instances of opening or destruction of mail by staff shall be recorded on an *Incident Report* and documented in the recipient's record.
3. A limitation may be imposed on a recipient's right to receive incoming mail if:
 - a. A limitation is essential to prevent serious physical or mental harm.
 - b. There is good reason to believe that the mail contains items excluded by the written policies of the facility.
 - c. There is good reason to believe that the mail contains items which are limited in the recipient's Person-Centered Plan.
 - d. A limitation is essential to prevent a recipient from violating the law.

B. Mail, Outgoing

1. There shall be a postal box available or other arrangements for daily pickup and deposit of mail.
2. A limitation may be imposed on a recipient's outgoing mail if there is reasonable cause to believe:
 - a. A limitation is essential in order to prevent substantial and serious physical or mental harm.
 - b. It is essential to prevent a resident from violating a law.
3. Instances of opening or destruction of mail by staff shall be recorded on an *Incident Report*.

C. Telephone Calls

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 - a. A limitation is essential to prevent substantial and serious physical or mental harm.
 - b. A limitation is essential to prevent a recipient from violating

Non-Licensed
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- a law such as exceeding the ability to pay for long distance calls.
- c. A limitation is essential to prevent reasonable expected future telephone harassment by a recipient of an individual previously harassed and who has complained.
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 - a. A limitation is essential to prevent substantial physical or mental harm. Mental harm may include a visit that, in the opinion of the client services manager/support coordinator, would substantially upset the resident and interfere with ongoing treatment or rehabilitation.

A visit may be limited or prohibited to prevent mental harm ONLY if the person and the limitation are specifically identified in the Person Centered Plan.