

COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEASTERN MICHIGAN		<i>Policy and Procedure</i>	
Department: Recipient Rights Author: Nicole LaBrie		<i>Freedom of Movement</i>	
Local Policy Number (if used)			
Revision Date 2/22/07	Approval Date 3/20/07	Implementation Date 6/20/07	
Archive Information			
Date:			
Reason:			

I. PURPOSE

To establish guidelines which ensure maximum freedom of movement for recipients and to clarify necessary conditions for any restriction on the freedom of movement.

II. POLICY

Recipients shall have a right to the least restrictive conditions necessary to achieve the purposes of treatment and habilitation with due consideration for the safety of persons and property.

Recipients shall have free access to areas suited for vocational, recreational or social activities unless restricted by house rules or an individual limitation of rights.

A recipient shall not be transferred to a setting which increases restraint on personal liberty unless it is necessary to protect him/her or others from substantial harm.

Proposed restrictions on freedom of movement shall be discussed with the recipient, guardian or parent of a minor, particularly those which are significant in scope or duration. Any limitation must be justified in the record and time limited.

The freedom of movement of a recipient shall not be restricted more than is necessary to provide mental health services to him or her, to prevent injury to him or her or to others, or to prevent substantial property damage, except that security precautions appropriate to the conditions and circumstances of individual admitted by order of a criminal court or transferred as a sentence-serving convict from a penal institution may be taken.

If a limitation on the right to freedom of movement is imposed pursuant to an order of the court and the limitation substantially restricts the ability to carry out treatment or habilitation specified in the Individual Plan of Service, the court shall be so informed during the hearing process.

Restrictions on freedom of movement may be appealed to the local CMH supervisor/designee and then to the local CMH Director. Restrictions subject to appeal include:

- A. Refusal to grant a recipient's request for transfer to a setting which allows

greater freedom of movement.

- B. Continuation of a restriction beyond the point where it is essential to safeguard persons or property.
- C. Refusal to grant a recipient request for an overnight visit away from the supported living setting.

Any restriction on freedom of movement shall be removed when the circumstance that justified its adoption ceases to exist.

III. APPLICATION

All recipients while under the care of any WCHO, CSSN and CSSN Look-alike staff, students, volunteers, and/or contractual agencies within the Community Mental Health Partnership of Southeast Michigan (CMHPSM).

IV. DEFINITIONS

Least restrictive condition - An environment which minimizes limitations on freedom of movement. Least restrictive conditions may include:

- a move to a less structured environment
- a move from a group home to an individual residence
- from dependent to independent living
- from supervised to independent activities in the community

V. STANDARDS

None

VI. EXHIBITS

None

VII. REFERENCES

Reference:	Check if applies:	Standard Numbers:
Michigan Mental Health Code Act 258 of 1974, as amended	X	330.1744
DMH Administrative Rules	X	330.7231
Limitation of Rights Policy	X	

VIII. PROCEDURES

A. Limitations Imposed Through House Rules or Rules for Other Group Settings

<u>WHO</u>	<u>DOES WHAT</u>
Residential Services Provider or Director/Designee of other group setting	<ol style="list-style-type: none">1. Develops house rules or rules for other group settings in accordance with procedures in the policy, <u>Limitation of Rights</u>, and only as necessary for the safety and welfare of recipients. General restrictions may include some or all of the following:<ol style="list-style-type: none">a. from areas that could impair the effective functioning of the facility.b. from areas that could cause safety or security problems.c. temporary restrictions from areas for such activities as repair or maintenance.d. emergencies such as fire, floods, tornado.e. posted time restrictions for specified areas.

B. Individual Limitations on Freedom of Movement

<u>WHO</u>	<u>DOES WHAT</u>
Client Services Manager	<ol style="list-style-type: none">1. Guided by the condition and/or behavior of the recipient, determines that an individual limitation on the right to freedom of movement may be necessary.2. Follows procedures in the policy, <u>Limitation of Rights</u>.