

COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEASTERN MICHIGAN		<b><i>Policy and Procedure</i></b>  <i>Limitation of Rights</i>	
Department: Recipient Rights Author: N. LaBrie		Local Policy Number (if used)	
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### **I. PURPOSE**

To establish guidelines regarding the imposition of limitations on rights of recipients.

### **II. POLICY**

A limitation of rights of recipients shall be imposed only as essential for the safety and welfare of the recipient and others or to prevent substantial property damage.

Any restriction of a right guaranteed by the Michigan Mental Health Code or other laws shall be imposed with due regard for the basic human dignity, as well as the safety and welfare, of the recipient and others.

A limitation of rights and/or its expiration date may be appealed to the local CMH supervisor/designee and then to the local CMH Director.

Limitations of rights imposed through house rules, rules for other group settings, entrance agreements or treatment contracts must be approved by the appropriate contracted agency's Program Manager.

House rules and rules for other group settings must be posted in a central location where they may be easily seen by recipients and others.

An individual limitation of rights must be approved by the Clinical Treatment team with the concurrence of the person centered planning team.

Any limitation of rights must be justified in the record and time limited.

### **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**

Entrance Agreement/Treatment Contract - A set of rules, guidelines or expected behaviors defined in a written agreement between the service provider and the recipient and/or his/her guardian.

House Rules/Rules for other Group Settings - A list of expectations for recipients and others which may include, but not limited to, prohibited items, hours for visits and telephone calls and location of smoking areas.

Limitation - A restriction, something that confines or restricts.

**V. STANDARDS**

None

**VI. EXHIBITS**

None

**VII. REFERENCES**

Reference:	Check if applies:	Standard Numbers:
Michigan Mental Health Code Act 258 of 1974	X	Section 726.728
DCH Administrative Rules	X	AR 7139

**VIII. PROCEDURES**

**A. Limitations Imposed Through House Rules, Rules for Other Group Settings, Entrance Agreements and Treatment Contracts**

**WHO**

**DOES WHAT**

Licensed Residential Services Provider or Director/designee of other group settings

1. Develops rules, agreements and contracts only as necessary for the safety and welfare of recipients and others.
2. Includes recipients and family members when developing rules, agreements and contracts.
3. Submits proposed rules, agreements and/or contracts for approval to the designated Supervisor upon award of bid for services, and annually thereafter.

Provider Program Supervisor

1. Reviews proposed rules, agreements and/or contracts for consistency with:
  - a. The contract for services between CMHP and the Service Provider for the designated

- facility.
- b. The established needs of recipients referred for services in the facility.
- c. Person centered practices and principles.

- 2. Consults with Program Manager and Office of Recipient Rights as needed.
- 3. Notifies Service Provider of any needed revisions.

Licensed Residential Services Provider or Director/designee of other group settings

- 1. Explains rules, agreement and/or contract to recipient, guardian and interested family members prior to the recipient entering the facility, providing copies of relevant rules, agreement and/or contract.
- 2. Posts house rules or rules for other group settings in a central location where they may be easily seen by recipients and visitors.
- 3. Reviews and updates rules, agreements and/or contracts annually, or more often at the request of a recipient, Clinical Treatment team or others, and submits to the designated Supervisor. Rules, agreements and/or contracts which impose restrictions on rights of recipients shall be removed when no longer essential to achieve objectives which justified their application.

Clinical Treatment Team

- 1. Monitors implementation of rules, agreements and contracts. Addresses any issues of recipient compliance in the person centered planning process and plan of services as needed.
- 2. Identifies any areas of concern regarding recipient needs in relation to rules, agreements and contracts to Supervisor for follow-up with Services Provider.

**B. Individual Limitations of Recipients' Rights**

**WHO**

**DOES WHAT**

Clinical Treatment Team

- 1. Guided by the condition and/or behavior of the recipient, determines that an individual limitation of rights may be necessary.
- 2. Discusses the need for a limitation of rights with the recipient and guardian, or parent of a minor, including the right to appeal and the procedure for doing so. Makes a notation in the clinical record of the discussion.
- 3. With the concurrence of the person centered planning team, documents in the Limitation of Rights section of the Plan of Services as follows:
  - a. Description of the limitation and a rationale for its

imposition, including evidence to support expected mental or physical harm, violation of law or harassment of others if a limitation was not imposed.

- b. Date of initiation.
- c. Expiration date of the limitation.
- d. Reasons to justify extent of limitation as being minimum amount essential to achieve the purpose proposed, including steps that have been taken to avoid such restrictions as well as what action will be taken as part of the plan to ameliorate or eliminate the need for the restriction in the future.

- 4. Monitors at least quarterly during regular reviews of the Plan of Services/Person Centered Plan to determine whether there continues to be a need for a limitation of rights. When no longer essential to achieve objectives which prompted its imposition, the limitation shall be removed.