
Title	Northern Lakes CMH Policies
Part 106	Supports and Services – NLCMH Provided and Contract
Subpart J	Mental Health Code Protected Recipient Rights
Policy No.	106.1006
Subject	Entertainment Materials, Information, and News (RR)

Applicability

Policy applies to all NLCMH activities, operations and sites and to all Workforce Members except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that has elected to adopt and adhere to NLCMH policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

Policy

Northern Lakes CMH and its contracted providers shall preserve the right of a resident in a facility to acquire, read, listen to, or view entertainment materials, information and news of the resident's choice pursuant to the Michigan Department of Community Health Administrative Rule (1987) R330.7139

STANDARDS

1. A recipient shall not be prevented from acquiring, at his/her expense, or from reading, written or printed material or from viewing or listening to television, radio, recordings, movies, or other forms of entertainment for reasons of, or similar to, censorship.
2. Prior to placement of a recipient in a specialized residential setting, the responsible case manager shall determine the recipient's interest in receiving written, audio, and visual communications; and shall ascertain whether the residential placement adequately addresses and/or provides for such interests.
3. Restrictions or limitations of entertainment materials, information, and news may be imposed only:
 - a. If applied equally to all residents of the program through house rules for the therapeutic benefit of the group; or

- b. If specifically consented to in a recipient's Person-Centered Plan of Services (PCPOS) including justification for its application, but only for reasons authorized by the Michigan Mental Health Code and the Michigan Administrative Rules as outlined in this policy.
4. Any plan limiting or restricting a resident's right to entertainment materials, information, or news must include documentation of all of the following:
 - a. The type, scope and duration of the restriction or limitation; and
 - b. The clinical and legal justification for the restriction or limitation; and
 - c. A description attempts that have been made to avoid the restriction or limitation, assuring that it is the least restrictive intervention that is appropriate and available; and
 - d. How the restriction or limitation is being used in connection with the recipient's goals and objectives; and
 - e. The end-date of the restriction or limitation, or when not foreseeable, a description of what actions will be taken as part of the plan to ameliorate or eliminate the need for the restriction or limitation in the future; and
 - f. Instructions to the implementing provider(s) that each instance of the restriction or limitation will be documented in the recipient's record with a plan for data collection and review of progress.
5. A restriction or limitation adopted under the authority of the above conditions shall be removed when the circumstance that justified its adoption ceases to exist.
6. Each instance of a restriction or limitation adopted under the authority of the conditions listed above, the date it expires, and justification for its adoption shall be promptly noted in the recipient's record. A restriction or limitation shall not exceed the justification either in scope or duration.
7. The right of access shall not entitle a minor resident to obtain and keep written or printed material, or to view television programs or movies, over objection of a minor's parent or guardian or if prohibited by state law. Material not prohibited by law may be read or viewed unless there is an objection by the minor's parent or guardian who has legal custody of the minor or as part of a written plan of service.
8. All residential programs shall further:
 - a. Make any general restrictions on entertainment materials known to the resident, their legal representative, and case manager prior to placement, and the subsequent placement shall be subject to resident or authorized guardian consent to those home rules.

- b. Specify restrictions on access to material for reading, listening, or viewing in house rules. These shall be reviewed as needed, with a consideration of whether the limitation is still necessary, and revoked if not in the best interests of all residents.
- c. Determine resident interest in and for the provision of a daily newspaper.
- d. Permit attempts by the staff person in charge of the individual plan of services to persuade a parent or guardian of a minor to withdraw objections to material desired by the minor.
- e. Inform residents that denial of right of access may be appealed by filing a Recipient Rights Complaint.
- f. Specify and post any restrictions for the entire living unit, if any.

Procedures

None.

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May 14, 2010

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