
Title	Northern Lakes CMHA Policies
Part 106	Supports and Services – NLCMHA Provided and Contract
Subpart J	Mental Health Code Protected Recipient Rights
Policy No.	106.1008
Subject	Freedom of Movement (RR)

Applicability

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

Policy

Northern Lakes CMHA and its contracted providers shall not restrict a recipient's constitutionally protected right to freedom of movement except in the circumstances and under the conditions allowed by the Michigan Mental Health Code (P.A. 258 of 1974, MCL Section 330.1744).

Freedom of movement includes the right of a recipient to move his or her body in a location or position of his or her own volition, to not be restricted from areas within a service site that are accessible to any other person, or to leave or return from a service site when desired.

STANDARDS:

1. A recipient's freedom of movement shall not be restricted except when a restriction has been determined to be essential, as determined by clinical assessment, to provide mental health services to the recipient, to prevent injury to the recipient or to others or to prevent substantial property damage.
2. A recipient's freedom of movement shall not be restricted more than is necessary to provide mental health services to him or her. A continuum of least restrictive therapeutic interventions should be utilized whenever clinically appropriate and legally justified in maintaining a recipient's freedom of movement.
3. Except in emergent circumstances where there is imminent risk of harm to the recipient, any restriction of freedom of movement must be individualized and documented in the recipient's Individual Plan of Service (IPOS) before being applied. In most circumstances a restriction will require a formal behavior treatment program.

4. Except when providing services pursuant to Assisted Outpatient Treatment, if the recipient has refused an offer to consent, any restriction shall be consented to by the recipient or his/her legally empowered representative.
5. Any plan restricting a recipient's freedom of movement shall include documentation of all of the following:
 - a. The type, scope and duration of the restriction; and
 - b. The clinical and legal justification for the restriction; and
 - c. A description attempts that have been made to avoid the restriction, assuring that it is the least restrictive intervention that is appropriate and available; and
 - d. How the restriction is being used in connection with the recipient's goals and objectives; and
 - e. The end-date of the restriction, 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.
6. Each instance of a restriction 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 limitation shall not exceed the justification either in scope or duration.
7. A restriction adopted under the authority of the conditions listed above shall be removed when the circumstance that justified its adoption ceases to exist.
8. General restrictions to areas within a service site may be established in order to protect the health, safety, or security of the recipient or others only if the restrictions are consented to prior to admission to the service, are applied equally to all recipients, and if restrictions are normative and do not restrict recipient access to areas consistent with community life.
9. Any general restrictions shall be posted in a conspicuous location at the service site. All recipients shall have unimpeded access to vocational, social, and recreational areas unless the limitation is specifically authorized in a recipient's IPOS. General restrictions may include:
 - a. From areas that could impair the effective functioning of the program.
 - b. From areas where there are apparent hazards from which recipients cannot otherwise reasonably be protected.

- c. Temporary restrictions from areas for reasonable unforeseeable activities, e.g., repair/maintenance.
 - d. For emergencies in case of fire, tornado, floods, etc.
10. Residential programs shall provide a rational and fair manner in which a resident may request leaves of absences and appeal denial of such requests. Any limitation, or proposed limitation, may be appealed by making a request for review of the recipient's IPOS or through the filing of a Recipient Rights Complaint.

Procedures

None.

Adoption Date: May 23, 2006

Review Dates:

June 8, 2009
May 14, 2010
March 27, 2012
April 16, 2015
January 28, 2020
July 14, 2021 PK

Revision Dates:

August 31, 2010
August 31, 2010
March 20, 2018
May 4, 2020
August 19, 2021