

SHIAWASSEE COUNTY COMMUNITY MENTAL HEALTH AUTHORITY
POLICY AND PROCEDURE MANUAL

Section: Recipient Rights
Policy Number: 8
Subject: **Freedom of Movement**

Effective Date: 1/13/97
Last Revision Date: 5/12/16
Page: 1 of 3

Policy

It is the policy of Shiawassee County Community Mental Health Authority (SCCMHA) to protect the right of freedom of movement for recipients of its services and to ensure that the placement and treatment of recipients is in the least restrictive setting and conditions necessary to achieve the purpose of treatment and habilitation.

Purpose

To ensure the right of freedom of movement for recipients of SCCMHA

To ensure compliance with the Michigan Mental Health Code and the Department of Health and Human Services Administrative Rules.

Application


This policy applies to all agency staff, independent contractors, and contract agencies.

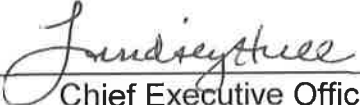
Standards

1. A recipient's freedom of movement will not be restricted unless to prevent injury to self or others, or to prevent substantial property damage, unless security precautions are taken appropriate to the condition and circumstances of an individual admitted by order of a criminal court or transferred as a sentence-serving convict from a penal institution.
2. A recipient's freedom of movement will be limited in scope or duration only to the extent that such limitation or limitations are clinically justified to protect the health and safety of the consumer. The clinical justification for any limitation or limitations must be documented in the recipient's clinical record along with the duration of the limitation. Restrictions on a recipient's freedom of movement will be removed when the circumstance(s) justifying the restriction cease to exist.
3. A recipient will not be transferred to settings which increase restrictions on personal liberty unless the recipient presents a substantial danger to others. Procedures for this determination will be consistent with applicable statues, rules, policies, and

procedures relating to transfers and appeals for transfers and will provide a mechanism whereby the recipient may challenge such a move.

4. A recipient's Plan of Service and progress notes in his/her medical record will contain justification whenever the recipient is placed in a more restrictive setting and/or limitations are placed on a recipient's freedom of movement. The Plan of Service of the recipient will contain a date on which a review will be completed as to a restriction or limitation placed on a recipient's freedom of movement.
5. A recipient will have access to those areas of buildings and grounds designated for recreational or vocational activities or for social interaction and freedom of movement within those areas when freedom of movement does not impair the effective functioning of the service site.
6. A recipient or, as applicable, a recipient's guardian or parent will be informed of any general or individual restriction or limitation of the right to freedom of movement at a service site.
7. A recipient or, as applicable, a recipient's guardian or parent will have the right to appeal individual limitations or restrictions on the right to freedom of movement which are substantial in scope and duration including denial of a leave request. The recipient or recipient's guardian may appeal a denial of leave request. A recipient or, as applicable, a recipient's guardian or parent may appeal in writing or verbally any restriction or limitation placed on a recipient's right to freedom of movement. This appeal will be made to the administrator of the service site or his/her designated representative. If the issue cannot be resolved at this level, the clinical appropriateness of the restriction or limitation may be appealed in writing or verbally to the Chief Executive Officer or his/her designated representative. The decision regarding the appeal will be made in writing to the person bringing the appeal. The recipient and/or the recipient's guardian will be informed of his/her right to file a recipient rights complaint.

Approved by:  9-26-2016
Board Chairperson Date

 9/28/16
Chief Executive Officer Date

Review/Revision Dates:

Date:	By:
1998-2008	Review by Board
10/27/97	Revised
4/2/09	New formatting
7/26/10	Revised by Becke Browne
7/21/11	Reviewed by Recipient Rights Advisory Committee
7/19/12	Reviewed by Recipient Rights Advisory Committee
10/17/13	Reviewed by Recipient Rights Advisory Committee
12/11/14	Reviewed by Recipient Rights Advisory Committee
01/21/16	Annual Review by Recipient Rights Advisory Committee
5/12/16	Revised by Rebecca Browne