

HIAWATHA BEHAVIORAL HEALTH BOARD

Administrative Policy

Chapter: Recipient Rights

Section: Communication By Mail, Telephone, & Visits in a Residential Setting (6.1)

Approved: 5/21/07

Rescinds: 2/21/05 Communication By Mail, & Telephone & Visits

Review Committee: Recipient Rights Advisory Committee

Review Date: 7/30/10

I. Purpose

To establish procedures regarding distributing resident's mail, opening mail, telephone use and visits.

II. Policy

It is the policy of the Hiawatha Behavioral Health Authority to protect an individual's right to communicate and receive communications by use of a telephone, postal service and/or to receive personal visitations which are private and uncensored.

III. Definitions

Legal inquiry Any matter concerning civil, criminal, or administrative law.

Primary clinician: The individual responsible for the implementation of the recipient's Individuals Plan of Service.

Reasonable time: Hours of the day that do not seriously tax the effective functioning of the residence.

Limitation: The removal or partial removal of a freedom having to do with the use or enjoyment of property or communications when there is a compelling reason such as serious physical harm to self or another individual, or a violation of the law.

IV. Procedure

A. A residential (facility) living unit shall:

1. Make telephones for incoming and outgoing calls reasonably accessible.
2. Ensure that correspondence can be conveniently and confidentially received and mailed
3. Make space available for visits.
4. Provide reasonable amounts of writing materials, telephone usage funds, and postage for recipients who are unable to procure such items.

B. If reasonable times and places for the use of telephones and for visits are established, they shall be in writing and posted.

C. Sealed mail, calls from or to, and visits from a recipient's private physician, or a mental health professional, a court, a recipient's attorney, or other person when communication involves matters which are or may be the subject of legal inquiry shall not be limited except that non-emergency visits of a private physician or mental health professional may be limited to reasonable times.

D. A recipient may choose and secure a mental health professional within the limits of available mental health professionals of HBH or the provider under contract with HBH.

E. A recipient shall have prompt access to his/her private physician, mental health professional or legal counsel and shall be assisted by a staff person, in making the necessary arrangements.

F. Mail for a recipient shall:

1. Not be opened by the provider unless:

(a.) A recipient, legally authorized representative, or guardian has consented that specific mail may be opened by designated staff.

(b.) There is reasonable belief that the mail is in violation of an authorized limitation.

2. Not be delayed beyond the next scheduled daily distribution time unless governed by an authorized limitation.

G. Outgoing mail shall:

1. Not be opened or destroyed without written consent of a recipient, legally authorized representative, or guardian.

2. Be sent unimpeded.

H. Instances of opening, destroying, impeding, or delaying a recipient's mail shall be recorded and placed in the recipient's case record.

I. The provider shall provide:

1. A postal box or daily pick up of mail.

2. Daily distribution of mail.

3. Non-letterhead stationary, envelopes, and pens or pencils, upon request.

J. Limitations:

1. The right of a recipient to communicate by mail or telephone or receive visitors shall not be further limited except as authorized in the recipient's Individual Plan of Services (IPOS)

2. A limitation upon a recipient's communication rights shall not apply between a recipient and an attorney or a court or between a recipient and other individuals if the communication involves matters that are or may be the subject of legal inquiry.

3. All limitations shall meet the following criteria:

a. A limitation is the minimum essential to achieve the purpose proposed.

b. A limitation is supported by documentation establishing all of the following:

(i.) Reasons which justify the limitation.

(ii) Significant evidence supporting the expected harm, mental or physical, the violation of law, or harassment.

(iii) Reasons and evidence which justify the extent of the limitation as the minimum essential to achieve the purposes proposed.

(iv) A specific expiration date not longer than one year.

(v) An assessment of any immediately preceding similar limitation.

K. House Rules:

1. The home manager/provider will post a written copy of the approved house rules in an area that is accessible by recipients and provide a copy if requested.

L. Appeals:

1. If the recipient, legally authorized representative or guardian with authority asks for a review of any limitation, its justification, extent, or duration:

a. The primary clinician shall request his/her supervisor and the treatment team to conduct a review

b. The reviewing party shall notify the individual of the decision within 14 days and document the same in the recipient's clinical case record.

2. If the appellant is dissatisfied, he/she may submit a request to the Chief Executive Officer verbally or in writing for further review:

a. The Chief Executive Officer will conduct a review and notify the appellant of the decision within 14 days.

b. The Chief Executive Officer or designee will document the decision in the recipient's clinical case record.

V. Application

Residential and All Programs Directly Operated and Under Contract With HBH

VI. Cross Reference and Legal Authority

Act 258 of the Public Acts of 1974, as amended, - Mental Health Code - Sections 330.100b, 330.1715, 330.1726, 330.1752