

HIAWATHA BEHAVIORAL HEALTH BOARD

Administrative Policy

Chapter: Recipient Rights

Section: Right to Access Entertainment Materials, Information, and News (6.14)

Approved: 5/17/04

Rescinds: 11/26/01 Individual's Right To Access To Printed Material, Broadcasts & Recorded Material

Review Committee: Recipient Rights Advisory Committee

Review Date: 7/30/10

I. Purpose

To ensure recipients of Hiawatha Behavioral Health Authority have the right to his/her personal property and to define conditions under which recipient's right of access shall be permitted and/or limited.

II. Policy

It is the policy of the Hiawatha Behavioral Health Authority to assure that an individual's rights to acquire, read, or listen to printed, recorded, or broadcasted material is preserved. Any restriction of this right shall be recorded within the Individual Plan of Services or if in the residence, shall be posted as a universal house rule/regulation.

III. Definitions

House Rules: General guidelines that apply to all (universally) recipients of the home and are established to assure the safety and comfort of the recipients, the therapeutic benefit of the recipient, and/or the efficient functioning of the home.

Limitations: Constraints of a right for an individual recipient within the provisions of the Mental Health Code and Administrative Rules.

Primary Clinician: The individual responsible for the implementation of the Individual Plan of Services.

Restrictions: General constraints of a right for all recipients in a home within the provisions of the Mental Health Code and Administrative Rules.

IV. Procedure

A. BASIC GUIDELINES:

1. A recipient shall not be prevented from acquiring, at his or her expense, or from reading written or printed material or from viewing or listening to television, radio, recordings, or movies available to him or her.
2. The right of access shall not entitle a minor recipient to obtain and keep written or printed material, to view television programs or movies over the objection of the minor's legal representative or if prohibited by state law.
3. The primary clinician may attempt to persuade a legal representative or guardian of a minor to withdraw objections to the material desired by the minor, and document the attempt(s) and the response(s) in the recipient's clinical case record.

B. ASSESSMENT OF INTERESTS:

1. Prior to admission, any restrictions, limitations, and house rules, unless prohibited by law, will be explained to the recipient by the clinician making the placement decision. The following shall be used:
 - a. Ask the recipient what interests they have in accessing entertainment, information, or news material for reading, including but not limited to a daily newspaper, listening, or viewing, and document the response in the recipient's case record;
 - b. Assist the recipient in obtaining requested material;
 - c. Review the house rules with the recipient explaining any restrictions and providing a copy of them.

C. RESTRICTIONS/LIMITATIONS:

1. If restrictions or limitations are imposed, there shall be adequate justification for their application and both shall be documented in the recipient's Individual Plan of Services (IPOS).
2. The limitation shall be explained to the recipient, legal representative of a minor, or guardian with authority and the following shall be documented and filed in the recipient's Clinical Case Record:
 - a. The specific limitation.
 - b. Justification for the limitation.
 - c. The target date for which the limitation is anticipated to no longer be necessary to include the date on which the limitation shall expire.

3. Restrictions or limitations shall be removed when not essential to achieve the objectives which justified their application. All limitations shall be reviewed on an as needed basis not less than annually.

4. A right to access may be restricted:

- a. To comply with a house rule.
- b. To prevent physical or emotional harm to a recipient.
- c. To prevent interference with a recipient's treatment plan.
- d. To prevent sexual harassment.

5. House rules may restrict the rights of all of the residents of the home in accordance with the Mental Health Code and Administrative Rules.

D. APPEAL:

1. The recipient, legal representative of a minor, or guardian may appeal any denial of access by notifying the primary clinician verbally or in writing.

2. The following process shall be used as a recipient, legal representative of a minor, or guardian appeal any denial of access:

- a. The primary clinician shall request his or her supervisor and / or the planning 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.

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

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

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

V. Application

All Programs Operated By and Under Contract With Hiawatha Behavioral Health Authority

VI. Cross Reference and Legal Authority

Department of Community Health Administrative Rules - R - 330.7139

