

HIAWATHA BEHAVIORAL HEALTH BOARD

Administrative Policy

Chapter: Recipient Rights
Section: Freedom of Movement (6.11)
Approved: 2/21/05
Rescinds: 6.11 - Dated 8/25/03
Review Committee: Recipient Rights Advisory Committee
Review Date: 10/22/09

I. Purpose

To establish procedure on recipient's right to freedom of movement and restrictions or limitations on a recipient's movement.

II. Definitions

Limitations: Constraint 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.

Substantial Property Damage: Damage over \$100.00.

III. Policy

It is the policy of the Hiawatha Behavioral Health Authority to ensure that the freedom of movement of a recipient is not to be restricted beyond that which is mandated and documented by a court of law or the planning team to prevent injury to self, others, or substantial property damage.

IV. Procedure

A. A recipient shall have the right to, and the provider shall ensure, the least restrictive environment necessary to achieve the purpose of treatment and rehabilitation with safeguards for safety of persons and property within the residence and in the community as appropriate for the recipient.

B. A recipient shall have access to areas suited for recreational or vocational activities or for social interaction.

C. A recipient shall be placed in the least restrictive environment that is appropriate and available. A recipient shall not be transferred to a more restrictive environment unless there is evidence that he/she has committed or is expected to commit homicide or felonious assault or is a substantial danger to the safety of other recipients, employees, the community, or himself/herself.

D. If limitations are imposed, there shall be adequate justification for their application. The limitations, justification, and expiration date shall be documented in the recipient's written Individual Plan of Services.

E. A limitation shall be removed when the circumstance that justified its adoption ceases to exist.

F. The recipient, legally authorized representative, or guardian may appeal any limitation on the recipient's freedom of movement including a denial of a leave from the residence by notifying the primary clinician verbally or in writing.

G. An appeal of the recipient's placement shall be conducted as designated by the CEO.

H. Placement: The planning team will assess the appropriateness of the recipient's placement as part of the person centered planning process.

I. Limitations:

1. A continuum of least restrictive therapeutic interventions should be utilized whenever clinically appropriate to stabilize a situation and assist the recipient in maintaining his or her freedom of movement. Subsequent to these steps, the planning team may limit the recipient's freedom of movement if each limitation is essential for one of the following purposes:

- a. In order to prevent injury to the recipient or others.
- b. In order to prevent substantial property damage.

2. The primary clinician shall:

a. Explain the limitation to the recipient, legally authorized representative, or guardian and place the following documentation in the recipient's clinical case record:

1. The specific limitation.
2. The justification for its adoption.
3. The date it expires.
4. The date the explanation was given.

b. Notify the recipient, legally authorized representative, or guardian of the appeal process.

c. Review the limitation annually and remove it when the circumstance that justified its adoption ceases to exist.

d. Notify the recipient of the removal.

J. Appeals:

1. If the recipient, legally authorized representative, or guardian asks for a review of any limitation on the recipient's freedom of movement including a denial of a leave request from the residence the following is required:

a. The primary clinician shall request that the planning team conduct a review.

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

V. Application

Residential and Day Programs

VI. Cross Reference and Legal Authority

A. Act 258 of the Public Acts of 1974 as amended, - Mental Health Code - Section 330.1744