

HIAWATHA BEHAVIORAL HEALTH
Administrative Policy

CHAPTER: Recipient Rights	SECTION: Right to Access Entertainment Materials, Information, and News – 6.14
EFFECTIVE DATE: 5/17/04	APPROVAL /REVISED DATE: 11/23/2020
REVIEW DATE: 11/24/2025	REVIEW COMMITTEE: Recipient Rights CHANGES: Yes: No: X

I. Purpose

To ensure recipients of Hiawatha Behavioral Health have the right to his/her personal property and to define conditions under which a recipient's right of access maybe limited.

II. Policy

It is the policy of Hiawatha Behavioral Health to assure that an individual's right 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

- A. 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.
- B. Limitations: Constraints of a right for an individual recipient within the provisions of the Mental Health Code and Administrative Rules.
- C. Primary Clinician: The individual responsible for the implementation of the Individual Plan of Services (IPOS).
- D. 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 entertainment materials, information and news at his or her expense, from reading written or printed material or from viewing or listening to television, radio, recordings, or movies available to him or her for reasons of, or similar to, censorship.
- 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, parent 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 electronic medical 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 Electronic Medical 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. Limitations to a recipient's access to entertainment materials, information or news may occur only if such a limitation is specifically approved in the recipient's Individual Plan of Services.
2. Each limitation shall be explained to the recipient, and when applicable, their legal representative, and the following shall be documented and filed in the recipient's electronic medical 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 the restriction or limitation is no longer clinically justified or essential to achieve the objective 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 the Michigan Department of Health and Human Services Administrative Rules R330.7139 (a) and (e).

D. APPEAL:

1. The recipient, legal representative, parent 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, parent of a minor, or guardian appeal any denial of access:
 - a. The primary clinician shall provide notice regarding the recipient's due process rights and additional avenues of redress specifically their right to appeal the proposed change to the recipient's Individual Plan of Service.
 - b. The Appeal shall be carried out in compliance with the requirements established in Policy and Procedure 5.6 Grievance / Dispute Resolution Process.

V. Application

All programs operated by and under contract with Hiawatha Behavioral Health.

VI. Cross Reference and Legal Authority

MDHHS Administrative Rules - R - 330.7139