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Owner: Kip Kliber: Director, Recipient Rights
Policy Area: Recipient Rights
References:

Right To Entertainment Materials

POLICY

It is the policy of the Detroit Wayne Mental Health Authority (DWMHA) that recipients of DWMHA-contracted services shall not be prevented from obtaining, at personal expense, reading/viewing/listening material. Exceptions to this policy may only occur through individual limitations documented in the written individual plan of services or as generally restricted by posted living unit rules that apply to all residents.

PURPOSE

To provide policy direction to ensure that recipients of DWMHA-contracted/subcontracted services shall not be prevented from obtaining, at personal expense, reading/viewing/listening material.

APPLICATION

1. The following groups are required to implement and adhere to this policy: DWMHA Board, DWMHA Staff, Contractual Staff, Access Center, MCPN Staff, Network Providers, Crisis services vendor
2. This policy serves the following populations: Adults, Children, I/DD, SMI/SEI, SED, Autism
3. This policy impacts the following **contracts/service lines**: MI-HEALTH LINK, Medicaid, Autism, Grants, General Fund

KEYWORDS

1. Adult Foster Care facility
2. Facility
3. Individual plan of services
4. Licensed facility
5. Limitation
6. MCPN
7. Restriction
8. Resident

STANDARDS

1. A facility may establish living unit rules (house rules).
2. Living unit/house rules apply to all residents and are established solely to assure the safety and comfort of the residents and the orderly functioning of the living unit.
3. A resident shall not be prevented from obtaining reading/viewing/listening material at his/her own expense for reasons of, or similar to, censorship.
4. Living unit/house rules may generally restrict exercise of the right of all residents to access entertainment materials, information, and news for the following reasons only:
 - a. To prevent infringement on the rights of others; or,
 - b. As limited by a resident's individual plan of service for treatment reasons.
5. Living unit/house rules may generally indicate hours for viewing or listening to electronically transmitted or recorded media, and for loudness level. Use of earphones and other alternatives shall be considered when the rights of others conflict with an individual's expression of this right.
6. All limitations shall be:
 - a. Specifically approved in the resident's individualized plan of service
 - b. Time limited
 - c. Removed when no longer clinically justified
7. A provider shall document in the resident's record each instance when a limitation is imposed.
8. The person in charge of the individual plan of service shall explain all limitations to resident, parents of minors, and guardian(s). Concerns about limitations shall be referred to the facility manager and/or MCPN or contractor Director and, if not resolved, to the DWMHA Office of Recipient Rights (ORR).
9. This right shall not entitle a minor resident to obtain and keep written or printed material, or to view television or movies over the objection of the parent with legal custody, or a guardian, or if prohibited by law.
10. The staff person in charge of the individual plan of service may attempt to persuade a parent or guardian of a minor to withdraw objections to material desired by the minor.
11. All living unit/house rules shall be posted in each living unit. Such rules shall be approved by the facility manager and/or MCPN, contractor, or subcontractor Director prior to posting, explained to all residents, as evidenced by written documentation with resident(s) or guardian(s) signature and periodically reviewed by the ORR.
12. Individual inquiry shall be made at time of admission to determine resident interest in and for the provision of a daily newspaper.
13. Resident may appeal a denial of their right to access through the Local Dispute Resolution Process.
14. Each MCPN, contractor, or subcontractor shall develop written procedures for the implementation of a resident's right to access, which further particularizes and complies with the minimum standards established by this policy.

QUALITY ASSURANCE/IMPROVEMENT

DWMHA shall review and monitor contractor adherence to this policy as one element in its network

management program, and as one element of the QAPIP Goals and Objectives.

The quality improvement programs of MCPNs, their subcontractors, and direct contractors must include measures for both the monitoring of and the continuous improvement of the programs or processes described in this policy.

COMPLIANCE WITH ALL APPLICABLE LAWS

DWMHA staff, MCPNs, contractors, and subcontractors are bound by all applicable local, state and federal laws, rules, regulations and policies, all federal waiver requirements, state and county contractual requirements, policies, and administrative directives, as amended.

LEGAL AUTHORITY

1. Michigan Mental Health Code, P.A. 258 of 1974, as amended, MCL 330.1752
2. Michigan Administrative Code, R330.7139

RELATED POLICIES

1. Individual Plan of Service/Person-Centered Planning
2. Personal Property and Search
3. Recipient Rights Appeals
4. Treatment with Dignity and Respect

RELATED DEPARTMENTS

1. Administration
2. Clinical Practice Improvement
3. Customer Service
4. Integrated Health Care
5. Managed Care Operations
6. Quality Improvement
7. Recipient Rights

CLINICAL POLICY

YES

INTERNAL/EXTERNAL POLICY

EXTERNAL

Attachments:

No Attachments

Approval Signatures

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