

(was MCCMH Policy 9-07-030)

Chapter: **RECIPIENT RIGHTS**
Title: **RESIDENT'S RIGHT TO MEDIA ACCESS**

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Approved by: BOARD ACTION

Executive Director

Date



I. Abstract

This policy establishes the standards of the Macomb County Community Mental Health (MCCMH) Board regarding the right of recipients of MCCMH residential care to access printed materials, television, radio, recordings, and movies.

II. Application

This policy shall apply to all directly-operated and contract network providers of the MCCMH Board.

III. Policy

It is the policy of the MCCMH Board that:

- A. A resident shall not be prevented from acquiring, at his/her expense, or from reading written or printed materials; or from viewing or listening to television, radio, recordings, or movies available at a facility or residence for reasons of, or similar to, censorship;
- B. Any restrictions or limitations enacted as a result of the population served or enacted with regard to scheduled program activities shall be specified in the Provider's policy and procedures;

- C. Restrictions or limitations for a specific individual may be imposed if clinically indicated, and the rationale is documented in that resident's plan of service; and
- D. The right of access to media shall not entitle a minor resident to obtain and keep written or printed material, or to view television programs or movies, over the objection of a minor's parent or guardian or if prohibited by state law. Materials not prohibited by law may be read or viewed as part of a written plan of service.

IV. Definitions

- A. None.

V. Standards

- A. Criteria for establishing media access restrictions for a resident shall include the following:
 - 1. The need for a restriction or limitation shall be assessed by the clinical staff responsible for a resident's plan of service.
 - 2. An restriction or limitation may be imposed only if such a limitation is specifically approved in the resident's individualized written plan of service, and justification for its application is documented in the clinical record.
 - 3. Each instance of restriction or limitation and justification for its application shall be documented and placed in the clinical record of the resident;
 - 4. A restriction or limitation shall be removed when the clinical staff determine that it is no longer essential to achieve a desired treatment objective. In no instance shall more than thirty (30) days pass without re-assessment of the restriction;
 - 5. A resident (parent or guardian if appropriate) shall be informed of the specific restriction of limitation on his/her right to media access and the purpose the restriction is intended to achieve; and
 - 6. A resident (parent or guardian if appropriate) shall be able to appeal denial of his/her right of media access to the director of an inpatient unit or the supervisor of the case management agency of a residential center. If the issue remains unresolved at that time, it may be appealed to the MCCMH Office of Recipient Rights.
- B. Policies and procedures for the facility shall:
 - 1. Specify restrictions on access to media material for reading, listening, or viewing;

2. Provide for a determination of resident interest in and for the provision of daily newspaper(s);
3. Permit attempts by the staff person in charge of the plan of service to persuade a parent or guardian of a minor to withdraw objections to media materials desired by the minor;
4. Provide a mechanism for residents to appeal denial or restriction of the right to media access, and to remedy a wrongful denial; and
5. Specify essential specific restrictions on a living unit basis or for the therapeutic benefit of the residents as a group.

VI. Procedures

- A. None.

VII. References / Legal Authority

- A. 1998 Michigan Department of Community Health Administrative Rules, R 330.7139

VIII. Exhibits

- A. None.