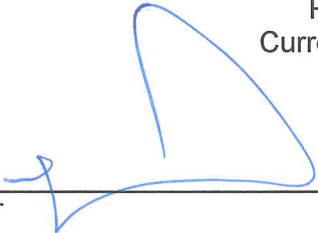


(was MCCMH Policy 9-07-090)

Chapter: **RECIPIENT RIGHTS**
Title: **FREEDOM OF MOVEMENT**

Prior Approval Date: 8/29/12
Current Approval Date: 1/23/13

Approved by: BOARD ACTION


Executive Director _____ Date 01/23/13

I. Abstract

This policy establishes standards of the Macomb County Community Mental Health (MCCMH) Board to ensure the right to freedom of movement for consumers.

II. Application

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

III. Policy

It is the policy of the MCCMH Board that the freedom of movement of consumers shall not be restricted more than is necessary to provide mental health services to him or her, to prevent injury to him or her or to others, or to prevent substantial property damage. A restriction adopted under the authority of this policy shall be removed when the circumstances that justified its use cease to exist.

IV. Definitions

A. None.

V. Standards

A. Mental health services shall be offered in the least restrictive setting that is appropriate and available to meet each recipient's needs.

1. Freedom of movement of a recipient shall not be restricted more than is necessary:

a. To provide mental health services to him or her,

- b. To prevent injury to him or her or to others, or
 - c. To prevent substantial property damage.
 2. Security precautions appropriate to the condition and circumstances of an individual admitted by order of a criminal court or transferred as a sentence-serving convict from a penal institution may be taken.
- B. A consumer of residential care shall have access to all areas within and outside the home that are for recreational and normal social activities. A facility may have house rules which restrict the freedom of movement for all consumers for reasons of health, safety, security, privacy, etc. House rules shall be in writing and posted in each residential unit. Individual limitations on freedom of movement shall be documented in the consumer's plan of service. The consumer and, when applicable, a parent of a minor consumer, a consumer's empowered guardian, or the Probate Court shall be informed by MCCMH of general restrictions in house rules, and individual limitations in the treatment plan.
- C. Limitations placed on an individual consumer's freedom of movement shall be recorded in the clinical record, and, where the limitations are unduly intrusive or restrictive, e.g. repeated denial of leave requests, shall be reviewed and approved by the Behavior Treatment Plan Review Committee (See MCCMH MCO Policy 8-008.) Documentation shall (minimally) include:
 1. Justification for the limitation, including a brief description of less restrictive methods which have been tried;
 2. Authorization of the limitation;
 3. Duration of the limitation;
 4. Review date for the limitation;
 5. What is being done to ameliorate or eliminate the need for the restrictions in the future; and
 6. When and by whom the limitation was explained to the consumer, and when applicable, to the parent of a minor, or an empowered guardian.
- D. A consumer or other person acting on the consumer's behalf, shall have the right to appeal individual limitations of freedom of movement at any time through the MCCMH Recipient Rights Office. If an appeal is made, the consumer's case manager shall be notified.

- E. The freedom of movement of a consumer shall not be used as a means of coercion, discipline, convenience or retaliation.
- F. A restriction adopted under the authority of this policy shall be removed when the circumstances that justified its use cease to exist.

VI. Procedures

- A. None.

VII. References / Legal Authority

- A. MCL 330.1744
- B. Commission of Accreditation of Rehabilitation Facilities (CARF) 2012 Standards Manual, §2.F., "Nonviolent Practices," pp. 130 - 136

VIII. Exhibits

- A. None.