
	Right to Entertainment, Materials, Information and News			
	Chapter:	Recipient Rights	Policy #	5-3-4
	Section:	Recipient Rights in CMH Residential Services	Revision #	2


- I. **PURPOSE:** To establish policy and procedures regarding service recipient's right to access the media.
- II. **APPLICATION:** All residential mental health facilities operated or under contract with the West Michigan Community Mental Health Governing Body.
- III. **REQUIRED BY:** Michigan Department of Health and Human Services Administrative Rule 330.7139 and Act 258, Public Acts of 1974, as amended, being MCL 330.1752.
- IV. **DEFINITIONS:**

House Guidelines: The reasonable guidelines applying to all residents of a home which are established in conjunction with the residents to assist with safety and comfort of the recipients and the orderly functioning of the home.
- V. **POLICY:** It is the policy of the West Michigan Community Mental Health that, except under certain conditions, a resident shall not be prevented from acquiring, at his/her expense, or from reading written or printed material or from viewing or listening to television, radio, recordings, or movies available at a facility for reasons of, or similar to, censorship.
 - 1. Following are the conditions:
 - 1.1 If the Parent or Guardian who has legal custody of the minor objects.
 - 1.2 To prevent the resident from substantial emotional harm.
 - 1.3 If it is interfering with the resident's treatment program.
 - 1.4 If it is prohibited by law.
 - 2. Restrictions or limitations may be imposed if indicated, in the resident's Individual Plan of Service and approved by Behavior Treatment Committee (BTC).
 - 3. The right of access shall not entitle a minor resident to obtain and keep written or printed material, or to view television programs or movies, over objection of a minor's parent or guardian who has legal custody or if prohibited by state law. Material not prohibited by law may be read or viewed as part of the Individual Plan of Service.
 - 4. The right of a resident to access the media shall not infringe on the rights of other residents.
- VI. **PROCEDURES:**
 - 1. At the time of admission into a residential facility, the staff member responsible for completing the necessary paperwork with the resident shall ask him/her what

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kinds of interest he/she has in regard to accessing information from the media. This information shall be documented in the resident's record.

2. Residents whose access to the media is restricted or limited per his/her Individual Plan of Service shall have each instance of restriction or limitation and justification for its application documented in the residential progress notes by the staff member who imposed the restriction or limitation. This information shall be reviewed every 90 days, or more frequently if necessary, by the Case Holder and other involved staff members to discuss the resident's progress or lack of progress and determine if the restriction/limitation still needs to be imposed. If it is determined that the restriction/limitation is no longer essential/ clinically justified it shall be removed.
3. The Case Holder shall immediately inform the resident when a limitation regarding accessing the media has been imposed along with the intended purpose of the limitation.
4. If the resident appeals the media limitation, he/she shall submit a verbal or written statement to the Case Holder. The Case Holder shall place the original statement in the resident's clinical file and submit a copy to his/her supervisor.
 - 4.1 The Case Holder's supervisor shall review the appeal within five (5) working days and determine if the imposed limitation is justified or not.
 - 4.2 If the resident does not agree with the decision made by the Case Holder's supervisor, he/she may appeal to the Clinical Oversight Committee (COC). The COC will provide a written recommendation within 30 days of the request. The resident will have a right to appeal the decision through the process and procedures outlined in the WMCMH Policy 2-2-5, Advanced/Adequate Notice.
 - 4.3 The resident shall be informed that he/she can file a complaint with the Recipient Rights Office if he/she feels that his/her right to access the media is being violated.
5. The procedures set forth in Chapter 2, Board Services and Program Administration, Section 2, Assessment, Service Planning and Documentation, Subject 1, Service Planning and Documentation, Procedure 14 of the Care Planning Impasses shall be implemented if the Care Team cannot agree on the limitation/justification and/or the time frame for the imposed restriction.
6. The Case Holder in charge of the plan of service shall attempt to persuade a parent or guardian with legal custody of a minor child to withdraw objections to material not prohibited by law desired by the minor. Each attempt shall be documented by the Case Holder in the resident's progress notes.

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7. The Home Operator/Manager of a residential facility shall make provisions for the residents to have access to a daily newspaper.

VII. **SUPPORTING DOCUMENTS:** Not applicable.

VIII. **POLICY/PROCEDURE REVIEW:**

REV#	APPROVED BY	Policy/Procedure	DATE
NC			08/2007
NC			06/2016
1	COC	Procedure	11/2019
2	COC	Title Changes	12/2020
Board Approval Date: 03/19/1996			

IX. **CHIEF EXECUTIVE OFFICER ENDORSEMENT:**

I have reviewed and approved of policy # 5-3-4 Revision # 2.

CEO: Lisa A. Williams

Approval Signature: _____