

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY
POLICIES AND PROCEDURES MANUAL**

Chapter: 3	Member Rights and Responsibilities		
Section: 3	Rights of Consumers		
Topic: 9	Personal Search		
Page: 1 of 4	Supersedes Date: Pol: 5-16-02, Proc: 5-6-03,5-8-15-02, 6-3-02, 3-21-02, 1-17-02, 7-18-91, (06-07-05-01)	Approval Date: Pol: 6-3-02 Proc: 6-19-19	<hr/> <i>Board Chairperson Signature</i> <hr/> <i>Chief Executive Officer Signature</i>
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Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that a personal search shall be initiated when suspicion of contraband is present.

Purpose

This policy and procedure are established to protect the rights of recipients when it is determined that a personal search is necessary.

Education Applies to

- All BABHA Staff
- Selected BABHA Staff, as follows:
- All Contracted Providers: Policy Only Policy and Procedure
- Selected Contracted Providers, as follows:
 - Policy Only Policy and Procedure
- BABHA's (Affiliates): Policy Only Policy and Procedure

Definitions

N/A

Procedure

- A. The following are considered contraband and shall not be permitted on BABHA premises or BABHA contract provider premises:
 1. Weapons, such as firearms, knives, guns, sharp objects, explosives, etc.
 2. Drugs; prescribed or otherwise, unless specifically authorized in the recipient's Plan of Service or, in the case of non-prescription medications, clearly indicated

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- and authorized by the recipient’s condition (except that outpatient clients may possess prescribed or non-prescribed medications that are not in violation of law).
3. Alcoholic beverages are prohibited on Board premises.
 4. Drug paraphernalia.
 5. Any item which violates, federal, state, or local laws.

(The following pertain only to BABHA’s specialized residential care facilities and those recipients utilizing CLS staff within their home and require such limitations within their person-centered Individual Plan of Service.)

- B. Any exclusion by a residential setting of particular kinds of personal property shall be officially adopted and shall be in writing and posted in each residential unit.
- C. The individual, in conjunction with the treatment team, in charge of the plan of services for a resident may limit the rights guaranteed by the right to receive, possess and use all personal property, including clothing, if each limitation is essential for one of the following purposes:
 1. In order to prevent theft, loss, or destruction of the property, unless a waiver is signed by the resident.
 2. In order to prevent the resident from physically harming himself, herself or others.
- D. A limitation adopted under the individual plan of services shall have a date it expires, and justification for its adoption shall be promptly noted in the record of the resident.
- E. A limitation adopted under the individual plan of services shall be reviewed on a routine basis and removed when the circumstance that justified its adoption ceases to exist.
- F. A receipt shall be given to a resident and an individual designated by the resident for any of his or her personal property taken into the possession of the facility. Any personal property in the possession of the facility at the time the resident to whom the property belongs is released from the facility shall be returned to the resident.
- G. A recipient’s property or living area shall not be searched by a provider unless such a search is authorized in the resident’s plan of service or there is reasonable cause to

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believe that the resident is in possession of contraband or property that is excluded from the resident’s possession by the written policies, procedures, or rules of the provider.

1. A search of the resident’s living area or property shall occur in the presence of a witness. The resident shall also be present unless he or she declines to be present.
2. The circumstances surrounding the search shall be entered in the resident’s record, and shall include the following:
 - a. The reason for initiating the search.
 - b. The names of the individuals performing and witnessing the search
 - c. The results of the search, including a description of the property seized.

Attachments

N/A

Related Forms

N/A

Related Materials

N/A

References/Legal Authority

Michigan Mental Health Code 330.1728, 330.1730, 330.1732, 330.1752
 MDCH Administrative Rules R330.7009

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SUBMISSION FORM				
AUTHOR/ REVIEWER	APPROVING BODY/COMMITTEE/ SUPERVISOR	APPROVAL /REVIEW DATE	ACTION (Deletion, New, No Changes, Replacement or Revision)	REASON FOR ACTION - If replacement list policy to be replaced
Marlene Wolber	Linda Maze	11/10/09	revision	Format & language updated
		12/31/12	No changes	Triennial review
Melissa Prusi	Christopher Pinter	6/27/16	No changes	Triennial review
Melissa Prusi	Christopher Pinter	06/19/2019	Revision	Triennial and annual review – minor changes.
Melissa Prusi	Christopher Pinter	10/1/2021	No changes	Triennial Review-no changes