

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

<b>Chapter: 3</b>	<b>Member Rights and Responsibilities</b>		
<b>Section: 3</b>	<b>Rights of Consumers</b>		
<b>Topic: 11</b>	<b>Freedom of Movement</b>		
<b>Page: 1 of 4</b>	<b>Supersedes Date:</b> <b>Pol: 7-15-99</b> <b>Proc: 7-28-98</b>	<b>Approval Date:</b> <b>Pol: 3-30-11</b> <b>Proc: 6-15-09</b>	<hr style="border: 0; border-top: 1px solid black;"/> <i>Board Chairperson Signature</i>  <hr style="border: 0; border-top: 1px solid black;"/> <i>Chief Executive Officer Signature</i>
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### Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that the freedom of movement of a recipient shall not be restricted more than is necessary to provide mental health services to the recipient, to prevent injury to the recipient, staff or others, or to prevent substantial property damage, except that security precautions may be taken appropriate to the condition and circumstances of a recipient admitted by order of a criminal court or transferred as a sentence-serving convict from a penal institution.

### Purpose

This policy and procedure are established to ensure that the freedom of movement of a recipient is not restricted more than 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
- Other:

### Definitions

N/A

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**Procedure**

- A. Recipients shall be entitled to access areas designated for recreational, vocational, and social activities where age, sex, physical illness/handicap, or maintenance of security is appropriate for access.
  
- B. Recipients shall be treated in the least restrictive environment suitable to their individual plan of service. A recipient will not be transferred to a more restrictive setting unless justified by individual need and documented in the case record.
  
- C. Any limitations on freedom of movement shall be clinically justified on a time-limited basis and entered into the recipient’s case records. The limitation shall be reviewed on a routine basis to determine if the limitation is still necessary. Any restrictions on freedom of movement of a recipient shall be removed when the circumstances that justified its adoption cease to exist. Substantial limitations shall be reported to the guardian/parent of a minor child and the court during any hearing process. Any limitation regarding freedom of movement may be appealed to the Recipient Rights Office.
  
- D. The residential agency shall provide for a rational and fair manner in which a recipient, parent, or guardian may request leaves and appeal denial of requests. If dissatisfied, recipients may seek assistance from the Recipient Rights Office.
  
- E. Individual Plans of Service for recipients involved with the legal or criminal justice system will identify any security precaution necessary to ensure safety to comply with an existing court order.
  
- F. Recipients of residential services are not to be transferred to settings that increase restraints on personal liberty unless the resident has committed an act or acts that, if committed by a person criminally responsible for his/her conduct, would constitute homicide or felonious assault or is so dangerous that the resident’s presence in the current residential setting is a danger to the safety of other residents, employees, the community or self. If a resident is transferred to a more restrictive setting, the resident

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may file a Recipient Rights complaint and the Recipient Rights Officer will conduct an investigation in accordance with applicable policy and procedures.

- G. A residential recipient may request transfer to a setting of the same or lesser restrictiveness. Whenever possible, such requests shall be granted unless such a transfer would be inconsistent with an alternative treatment order issued by a probate court, or incompatible with the treatment needs and treatment plan for the consumer. A consumer or guardian may appeal the denial of such a request to Director of Integrated Services or his/her designee.

**Attachments**

N/A

**Related Forms**

N/A

**Related Materials**

N/A

**References/Legal Authority**

Michigan Mental Health Code 330.1712, 744, 752

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<b>SUBMISSION FORM</b>				
<b>AUTHOR/ REVIEWER</b>	<b>APPROVING BODY/COMMITTEE/ SUPERVISOR</b>	<b>APPROVAL/REVIEW DATE</b>	<b>ACTION (Deletion, New, No Changes, Replacement or Revision)</b>	<b>REASON FOR ACTION - If replacement list policy to be replaced</b>
Sara Heydens	Linda Maze	06/15/09	Changes	Administrative Rule changes/grammatical.
Sara Heydens	Linda Maze	03/30/11	Changes	Policy statement changed to address appropriate security precautions.
		12/31/12	No changes	Triennial Review
M. Prusi	C. Pinter	6/27/16	Changes	Triennial Review-changed "resident" to "recipient". No change to Policy or Procedure.
M. Prusi	C. Pinter	12/13/18	Changes	Title change only. No change to Policy or Procedure.
Melissa Prusi	Christopher Pinter	06/10/2019	Revisions	Triennial and annual review. Minor revisions.
Melissa Prusi	Christopher Pinter	09/10/2020	No changes	Annual review
Melissa Prusi	Christopher Pinter	06/23/2021	No changes	Triennial review