

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

Chapter: 3	Member Rights & Responsibilities		
Section: 3	Rights of Consumers		
Topic: 14	Communication/Mail/Telephone/Visits		
Page: 1 of 5	Supersedes Date: Pol: 12-15-05, 9-19-05, 6-3-02, 9-20-01 Proc: 6-27-16, 12-15-05	Approval Date: Pol: 8-18-16 Proc: 1-3-19	<hr style="border: none; border-top: 1px solid black;"/> <i>Board Chairperson Signature</i> <hr style="border: none; 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 a recipient of residential services is assured unimpeded, private and uncensored communication with others by mail and telephone and to visit with persons of his/her choice, except in the circumstances and under the conditions set forth by this section.

Purpose

This policy and procedure is established to ensure the recipients' rights to have mail, use the telephone and have visitors.

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. Telephone Calls
 - 1. A recipient shall be provided access to a telephone for incoming and outgoing calls unless the resident is otherwise restricted in an approved treatment plan.

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2. If establishing uniform telephone hours the residential setting shall do all of the following:
 - a. Provide for telephone calls to be made and received not less than during daytime shift hours and not less than two evening hours.
 - b. Post the times incoming and outgoing telephone calls are permitted in all telephone areas and on resident bulletin boards and in each living unit.
 - c. Set house rules and procedures which may limit the length of incoming/outgoing calls for all residents, but to not less than five minutes.
 - d. Provide for the allocation and distribution of reasonable funds for long distance telephone calls for indigent residents.

- B. Visits – If visiting hours are established by the provider then:
 1. A recipient shall be guaranteed regular visiting hours, unless the recipient is otherwise restricted in an approved treatment plan.
 2. Visiting hours shall be scheduled to be least disruptive of normal treatment activity and to occur on no less than three days weekly.
 3. Visiting hours shall be posted in waiting rooms and in a centralized, accessible location within the residence and in each living unit.
 4. Adequate space shall be provided for residents to visit with visitors in privacy.
 5. Appropriate modifications in visiting hours shall be made for minors attending school.

- C. Mail
 1. A recipient shall be provided daily distribution of mail unless the recipient is restricted, and limitations have been incorporated into the recipient’s plan of service.
 2. A postal box or daily pickup and deposit of mail shall be provided.
 3. Non-letterhead stationery, non-letterhead envelopes, pens/pencils, and reasonable funds for postage shall be furnished upon request for indigent residents, unless the recipient is restricted, and limitations have been incorporated into the resident’s plan of service.
 4. Incoming and outgoing mail for a recipient shall not be opened or destroyed unless the recipient, a legally empowered guardian, or the parent of a minor has consented that an article of mail may be opened by a designated person, or there is reasonable belief that the mail is in violation of a limitation. All instances of opening or

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destruction of mail by staff shall be recorded in the recipient’s record. Limitations shall be identified in a plan of service.

5. Mail shall be conveniently and confidentially received and mailed and writing materials and postage will be provided in reasonable amounts.
- D. For all limitations, the following criteria shall be met:
1. A limitation is the minimum essential to achieve the purposes proposed. Documentation must support the reasons and evidence to justify the extent of limitation as being minimum amount essential.
 2. A limitation is approved by the Treatment Team.
 3. A limitation is supported by documentation, entered in the resident’s record/plan of service, establishing the following:
 - a. Reasons that justify the limitation, i.e., significant evidence supporting the potential mental or physical harm, the violation of law, of harassment. In the case of telephone harassment, a limitation to prevent harassment shall require a written request from the victim of the harassment, documentation of the frequency or content of past harassment, and whether future telephone harassment can reasonably be expected.
 - b. A specific expiration date established by the Treatment Team stating at which time the limitation will be re-assessed. (Reassessment shall occur no more than thirty days from the enactment of the restriction.).
 - c. A recipient shall be informed of a limitation on mail, telephone calls, or visits. Upon request, the resident shall be informed of the purpose a limitation is intended to achieve, the persons, or entities involved, and additional information deemed necessary.
 4. The right to communicate by mail or telephone or to receive visitors shall not be further limited except as authorized in the recipient’s plan of service.
- E. A recipient, (parent or guardian if appropriate), shall be able to appeal the extent or duration of a limitation regarding telephone, mail or visiting rights. Appeals may be made in accordance with BABHA Policy and Procedure, C03-S08-T07 – Appeals and Grievance Procedural Processes.
- F. Current limitations shall be reviewed in conjunction with other reviews of the content of a written plan of service.

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- G. With the exception of limitations put into effect for a recipient through a recipient’s plan of service, general house rules for all persons living in a residential setting, i.e., set times for visitation, telephone use, no smoking, smoking in designated area, etc., may be implemented and posted.

- H. Sealed mail calls from or to, and visits from a recipient’s private physician, a mental health professional, a court, a recipient’s attorney, or other person if communication involves matters which are or may be the subject of legal inquiry, shall not be limited, except that non-emergency visits of a private physician or a mental health professional may be limited to reasonable times. A time is reasonable if a visit does not seriously tax the effective functioning of the facility. “Legal inquiry” includes any matter concerning civil, criminal, or administrative law. The written policies of residential settings shall establish procedures insuring access to private physicians or legal counsel.

- I. Appeal:
A recipient or another individual on behalf of a recipient has the right to appeal denials or limitations of his/her right to communication, telephone, visiting, or the time frames placed upon a limitation. Appeals may be made through the Recipient Rights/Customer Service Department.

Attachments

N/A

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Related Forms

N/A

Related Materials

N/A

References/Legal Authority

Michigan Mental Health Code 330.1715, 330.1726, 330.1752.

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	Triennial Review-format and language updated
		12/31/12	No changes	Triennial Review
Melissa Prusi	Christopher Pinter	6/27/16	Revision	Triennial Review-changed "resident" to "recipient" and changed Appeal and Grievance policy reference to reflect current policy number and title.
Melissa Prusi	C. Pinter	1/3/19	Changes	Language addition about visiting and title changes
Melissa Prusi	Christopher Pinter	06/12/2019	Revision	Triennial and annual review. Minor changes.
Melissa Prusi	Christopher Pinter	09/11/2020	No changes	Annual Review
Melissa Prusi	Christopher Pinter	06/23/2021	No changes	Triennial Review