

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

<b>Chapter: 3</b>	<b>Member Rights &amp; Responsibilities</b>		
<b>Section: 3</b>	<b>Rights of Consumers</b>		
<b>Topic: 14</b>	<b>Communication/Mail/Telephone/Visits</b>		
Page: 1 of 5	Supersedes Date: Pol: 12-15-05, 9-19-05, 6-3-02, 9-20-01 Proc: 1-3-19, 6-27-16, 12-15-05	Approval Date: Pol: 8-18-16 Proc: 12-19-2024	<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 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. Residential settings shall ensure that telephones are reasonably accessible and funds for telephone usage are available in reasonable amounts.
- B. Visits
1. Residential settings shall make space available for visits. Any limitations on visitors must be authorized in the recipient's/resident's plan of service.
- 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 recipient's/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 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

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- 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 to the Office of Recipient Rights.
  - F. Current limitations shall be reviewed in conjunction with other reviews of the content of a written plan of service.
  - G. 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 the recipient/resident shall be allowed to see that person at any reasonable time. “Legal inquiry” includes any matter concerning civil, criminal, or administrative law. The written policies of residential settings shall establish procedures ensuring 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.

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**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.

<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>
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
Melissa Prusi	Christopher Pinter	12/19/2024	Revision	Triennial review -2024 MDHHS Standards