

<b>Community Mental Health Partnership of Southeast Michigan/PIHP</b>	<b><i>Policy and Procedure</i></b> <b><i>Right to Entertainment Materials, Information and News</i></b>
<b>Department: Recipient Rights</b> <b>Author: Shane Ray</b>	<b>Local Policy Number (if used)</b>
<b>Regional Operations Committee</b> <b>Approval Date</b> <b>4/16/2020</b>	<b>Implementation Date</b> <b>5/15/2020</b>

**I. PURPOSE**

The purpose of this policy is to establish guidelines which ensure that recipients have access to reading, viewing and listening material of their choice.

**II. REVISION HISTORY**

<b>DATE</b>	<b>REV. NO.</b>	<b>MODIFICATION</b>
2/9/10	1.0	Full policy revision
5/31/13	1.1	Template Updated
1/13/17	1.2	Template Updated
2/13/20	1.3	3-year review No Content Changes

**III. APPLICATION**

This policy applies to all staff, students, volunteers, and contractual organizations receiving any funding directly or sub-contractually, within the provider network of the Community Mental Health Partnership of Southeast Michigan (CMHPSM).

**IV. POLICY**

It is the policy of the CMHPSM that recipients shall have access to reading, viewing, and listening materials of their choice.

**V. DEFINITIONS**

Community Mental Health Partnership Of Southeast Michigan (CMHPSM): The Regional Entity that serves as the PIHP for Lenawee, Livingston, Monroe and Washtenaw for mental health, developmental disabilities, and substance use disorder services.

Community Mental Health Services Program (CMHSP): A program operated under chapter 2 of the Mental Health Code as a county community mental health agency, a community mental health authority, or a community mental health organization.

Consent: Consent is defined as either of the following:

1. A written agreement signed by a recipient, unless the recipient has a designated legal representative with authority to execute consent. If the recipient has a designated legal representative, the legal representative must provide written agreement.
2. A verbal agreement of a recipient, unless the recipient has a designated legal representative with authority to execute a consent, that is witnessed and

documented by an individual other than the individual providing treatment. If the recipient has a designated legal representative, the legal representative must provide verbal agreement.

Additionally, consent must include the elements of competency, comprehension, knowledge, and voluntariness (see Consent to Treatment and Services Policy).

Legal Representative: A legal representative is defined as any of the following:

1. A court-appointed guardian,
2. A parent with legal custody of a minor recipient,
3. In the case of a deceased recipient, the executor of the estate or court appointed personal representative,
4. A patient advocate under a durable power of attorney or other advanced directive.

Regional Entity: The entity established under section 204b of the Michigan Mental Health Code to provide specialty services and supports.

## VI. STANDARDS

- A. A recipient shall not be prevented from obtaining reading/viewing/listening material at his/her expense for reasons of, or similar to, censorship.
- B. A recipient's access to entertainment materials, information, or news shall not be limited unless specifically approved in the recipient's Individual Plan of Service.
- C. Each instance of a limitation shall be:
  1. Documented in the recipient's record.
  2. Implemented in compliance with CMHPSM policies Limitation of Rights and Behavior Treatment Committee.
  3. Removed when no longer clinically justified.
- D. Material not prohibited by law may be read or viewed by a minor recipient, unless there is objection by the minor recipient's legal representative. Staff may attempt to persuade a minor's legal representative to withdraw objection to material desired by the minor, as allowable by law.
- E. Licensed residential providers may impose general restrictions on access to material if necessary for the safety and welfare of the group as a whole, or for the therapeutic benefit of the group. Any general restrictions shall be implemented in accordance with CMHPSM policy Limitation of Rights.
- F. Licensed residential providers shall determine recipients' interest in a daily newspaper, and ensure access to a newspaper as applicable.
- G. Restrictions on the right to access reading, viewing and listening material may be appealed verbally or in writing to the local CMH supervisor/designee and then to the local CMH Director. A remedy shall be provided to the recipient and legal representative for any restriction determined to be wrongful.

**VII. EXHIBITS**

None

**VIII. REFERENCES**

Reference:	Check if applies:	Standard Numbers:
CMHPSM Policy: <u>Behavior Treatment Committee</u>	X	
CMHPSM Policy: <u>Limitation of Rights</u>	X	
MDHHS Administrative Rules	X	330.7139
Joint Commission- Behavioral Health Standards	X	
MDHHS Revised Plan for Procurement of Medicaid Specialty Prepaid Health Plans	X	3.1.1.1
CMHPSM Policy: <u>Consent to Treatment and Services</u>	X	

**IX. PROCEDURES**

WHO	DOES WHAT
Licensed Residential Services Provider	<ol style="list-style-type: none"> <li>1) Does not censor or limit recipients' access to entertainment materials of their choice any more than consented to in the Individual Plan of Service.</li> <li>2) Considers recipient interest in providing newspapers and other reading, viewing and listening material.</li> <li>3) Provides for a daily newspaper upon expressed interest and request.</li> <li>4) Ensures that all general restrictions are implemented in compliance with CMHPSM policy: <u>Limitation of Rights</u>.</li> </ol>
Non-Licensed Residential Services Provider	<ol style="list-style-type: none"> <li>1) Does not censor or limit recipients' access to entertainment materials of their choice any more than consented to in the Individual Plan of Service.</li> <li>2) Considers recipient interest in providing newspapers and other reading, viewing and listening material.</li> </ol>

<p>Clinical Treatment Team</p>	<ol style="list-style-type: none"> <li>1) Ensures that any individual limitations are implemented in compliance with CMHPSM policies: <u>Limitation of Rights</u> and <u>Behavior Treatment Committee</u>.</li> <li>2) Ensures that individual limitations are removed when no longer clinically justified.</li> <li>3) May consult with a minor recipient's legal representative regarding objections that they may have made to reading, listening or viewing material which is desired by the minor. However, the right of access shall not entitle a minor to obtain and keep written material, or to view television programs or movies, over the objection of minor's legal representative, or if prohibited by law.</li> </ol>
<p>CMH Supervisor/Director/Designee</p>	<ol style="list-style-type: none"> <li>1) Reviews recipients' written or verbal appeals of limitations of access to entertainment materials.</li> <li>2) Ensures that wrongful limitations of recipients' access to entertainment materials are remedied.</li> </ol>