

# **SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY**

## CLINICAL POLICY

**NUMBER: RR015**

**NAME: FREEDOM OF MOVEMENT**

INITIAL APPROVAL DATE:	09/24/1995	BY: Sanilac CMH Board
STAKEHOLDERS REVIEW:	12/12/2023	BY: Recipient Rights Advisory Comm.
(LAST) REVISION DATE:		BY:
(LAST) REVIEW DATE:	12/14/2023	BY: Policy Committee
DISCONTINUED DATE:	N/A	REPLACED BY: N/A

### **I. PURPOSE**

To establish policies and procedures to ensure freedom of movement of individuals receiving services and to restrict and/or limit a individuals receiving service's movement when documented and appropriate.

### **II. APPLICATION**

Populations: **ALL**  
Programs: **Direct - ALL**  
**Contracted - ALL**

### **III. POLICY**

A individual receiving services shall have a right to access areas suited for vocational, social and recreational activities. A individual receiving services has a right to the least restrictive conditions necessary to achieve the purposes of treatment and habitation with due safeguards for safety of persons and property. Any restriction on freedom of movement of a individual receiving services shall be time limited and removed when the circumstance that justified its adoption ceases to exist.

### **IV. DEFINITIONS**

None

### **V. STANDARDS**

An individual receiving services' freedom of movement shall not be restricted more than necessary to provide mental health services, to prevent injury to self or others or to prevent substantial property damage, except that security precautions appropriate to the condition and circumstances of an individual admitted by order of a criminal court or transferred as a sentence-serving convict from a penal institution may be taken.

A. Freedom of movement is restricted or limited only by general restrictions in a residential setting's policies and procedures, which may include the following:

1. Areas that could impair the effective functioning of the residential setting based on criteria such as:

- a. Age; i.e., minor restrictions versus adult restrictions.
  - b. Sex; i.e., women's and men's rest rooms.
  - c. Physical Condition; i.e., wheelchairs, crutches, isolation.
2. Threat of homicide or felonious assault.
  3. Areas that could cause safety or security problems.
  4. Temporary restrictions from areas for reasonable, unforeseeable activities such as repairs or maintenance.
  5. Emergencies in case of fire, tornadoes, floods, etc.
  6. Access to areas within boundaries like fences, etc.
- B. The individual receiving services and guardian shall receive a copy of the residential setting's general policies and procedures upon admission. An individual receiving services attending CMH or contracted site based programs shall also receive a copy of the program rules upon admission.
- C. An individual receiving services shall not be subject to a setting that increases restraint on personal liberty unless documented in the clinical record and/or Person Centered Plan.
- D. General restrictions applicable to all individuals receiving services or groups of individual receiving services governing access to grounds, buildings or other areas shall be documented in a program's policies.
- E. An individual receiving services' Person Centered Plan and progress notes shall contain justification whenever the individual receiving services moves to a more restrictive setting.
- F. An individual receiving services and parents or guardians are to be informed of further individual limitations and justification for limitations.
1. Individual limitations must be set for as short a time as necessary to complete evaluation when the residents are first admitted.
    - a. Based on the individual's condition;
    - b. Based on the individual's admission status;
    - c. Justified and documented in the individual's treatment plan;
    - d. Explained to the individual receiving services and parent or guardian as appropriate.
  2. Individual limitations may also be set when necessary to receive treatment.
    - a. To provide mental health services;
    - b. To prevent injury to the individual receiving services or others;
    - c. To prevent the individual receiving services from causing substantial property damage.
    - d. To provide security precautions appropriate to the condition and circumstances of a individual receiving services admitted by order of a criminal court or transferred as a sentence-serving convict from a penal institution.

3. When freedom of movement is restricted or limited, there shall be documentation in the individual receiving services' Person Centered Plan as follows:
  - a. Justification of the limitation;
  - b. Authorization of limitation;
  - c. Review date and expiration date of limitation;
  - d. A notation in the clinical record of individual limitation as clearly explained to the individual receiving services, parent or guardian.

**VI. ATTACHMENTS**

None

**VII. APPEALS**

An individual receiving services, or another individual on behalf of an individual receiving services, has the right to appeal limitations on freedom of movement, which are substantial in scope and duration. An individual receiving services has a right to appeal denials of leave requests as well as other decisions denying them freedom of movement. Appeals may be made in accordance with Sanilac County Community Mental Health Authority Appeals Policy.

**VIII. REFERENCES**

Michigan Mental Health Code 330.1712, 330.1744  
Adult Foster Care Licensing Rule R400.14301, 6(g)