

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:	02/18/2025	BY: Recipient Rights Advisory Comm.
(LAST) REVISION DATE:	12/17/2024	BY: Recipient Rights Officer
(LAST) REVIEW DATE:	02/20/2025	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 and to restrict and/or limit an individual's movement when documented and appropriate.

II. APPLICATION

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

III. POLICY

An individual shall have a right to access areas suited for vocational, social and recreational activities. An individual 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 an individual shall be time limited and removed when the circumstance that justified its adoption ceases to exist.

IV. DEFINITIONS

Individual – Specifically references an individual receiving services from Sanilac County Community Mental Health Authority (Sanilac CMH).

V. STANDARDS

An individual's 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 and guardian shall receive a copy of the residential setting's general policies and procedures upon admission. An individual attending Sanilac CMH or contracted site-based programs shall also receive a copy of the program rules upon admission.
- C. An individual 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 or groups of individuals governing access to grounds, buildings or other areas shall be documented in a program's policies.
- E. An individual's Person Centered Plan and progress notes shall contain justification whenever the individual receiving services moves to a more restrictive setting.
- F. An individual 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 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 or others;
 - c. To prevent the individual from causing substantial property damage.
 - d. To provide 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.
 3. When freedom of movement is restricted or limited, there shall be documentation in the individual's 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, parent or guardian.

VI. ATTACHMENTS

None

VII. APPEALS

An individual, 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 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, RR035.

VIII. REFERENCES

Michigan Mental Health Code 330.1712, 330.1744
Adult Foster Care Licensing Rule R400.14301, 6(g)
Appeals Process Policy, RR035