

SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

CLINICAL POLICY

NUMBER: RR016

NAME: COMMUNICATION, TELEPHONE, MAIL, VISITS

INITIAL APPROVAL DATE:	04/30/2002	BY: Sanilac CMH Board
STAKEHOLDER REVIEW:	02/21/2023	BY: Recipient Rights Advisory Comm.
(LAST) REVISION DATE:	03/13/2018	BY: Recipient Rights Officer
(LAST) REVIEW DATE:	03/16/2023	BY: Policy Committee
DISCONTINUED DATE:	NA	REPLACED BY: NA

I. **PURPOSE**

To establish standards regarding an individual receiving services' right to communicate with others by mail and telephone and to visit with people of the individual's choice and distribution and/or opening of the individual's mail.

II. **APPLICATION**

Populations: **All Specialized Residential Homes & Site Based Programs**
Programs: **Direct - ALL**
Contracted - ALL

III. **POLICY**

An individual receiving services is assured unimpeded, private and uncensored communication with others by mail and telephone and to visit with people of his/her choice, except in the circumstances and under the conditions set forth by this section. The individual shall also be allowed to see staff of mental health services at reasonable times. Adult Foster Care Homes contracted with Sanilac CMH will follow the Home and Community Based Waiver (HCBW) rules.

IV. **DEFINITIONS**

None

V. **STANDARDS**

A. Telephone Calls:

1. An individual receiving services shall be provided a reasonably accessible telephone for private incoming and outgoing calls.

B. Visits in Residential Settings:

1. Adult Foster Care Homes contracted with Sanilac CMH will follow the Home and Community Based Waiver (HCBW) rules.

C. Mail in Residential Settings:

1. An individual receiving services shall be provided daily distribution of mail unless the individual is restricted and limitations have been incorporated into the individual's plan of service.

2. A postal box or daily pickup and deposit of mail shall be provided in a convenient and confidential manner.
3. Non-letterhead stationery, non-letterhead envelopes, pens/pencils and reasonable funds for postage shall be furnished in reasonable amounts, upon request, for an indigent individual, unless the resident is restricted and limitations have been incorporated into the individual's plan of service.
4. Incoming and outgoing mail for an individual shall not be opened or destroyed unless the individual, 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 individual's record. Limitations shall be identified in a plan of service.

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 the minimum amount essential.
2. A limitation is authorized in the Person Centered Plan.
3. A limitation is supported by documentation, entered in the resident's record/plan of service, establishing the following:
 - a. Reasons which justify the limitation; i.e., significant evidence supporting the potential mental or physical harm, the violation of law or 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. Specific review and expiration dates within limits established by the Person Centered Plan.
4. A resident shall be informed of a limitation on mail, telephone calls or visits. The resident shall be informed of the purpose a limitation is intended to achieve, the persons or entities involved and additional information deemed necessary.

E. Current limitations shall be reviewed in conjunction with other reviews of the content of a written plan of service.

F. Sealed mail, calls from or to and visits from an individual receiving services' private physician, a mental health professional, a court, a resident'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 ensuring access to private physicians or legal counsel.

VI. ATTACHMENTS

None

VII. APPEALS

An individual receiving services or their guardian, if any, has the right to appeal decisions concerning communication, telephone, mail and visits. Appeals may be made in accordance with Sanilac County Community Mental Health Authority Appeals Policy.

VIII. **REFERENCES**

Michigan Mental Health Code 330.1715, 1726, 1752.