

PATHWAYS CMH

POLICY TITLE: ACCESS ENTERTAINMENT MATERIALS, INFORMATION, AND NEWS	CATEGORY: RECIPIENT RIGHTS	
EFFECTIVE DATE: July 6, 2005	BOARD APPROVAL DATE: July 6, 2005	
REVIEW DATE: December 30, 2019	REVISION(S) TO POLICY STATEMENT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OTHER REVISION(S): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
RESPONSIBLE PARTY: Recipient Rights Supervisor or Designee	CEO APPROVAL: Mary J. Swift, CEO	

APPLIES TO:

Employees, volunteers and contractual providers of Pathways CMH

POLICY:

It is the policy of the Pathways Board that residents shall not be prevented access to printed materials, television, radio, recordings, or movies for reasons of, or similar to, censorship.

The following standards shall be adhered to:

- A. A resident shall not be prevented from acquiring, at his or her expense, or from reading written or printed material, or from viewing or listening to television, radio, recordings, or movies made available to him or her at a facility for reasons of, or similar to, censorship.
- B. Access to entertainment materials, information, or news may be limited only if such a limitation is specifically approved in the resident's individualized plan of service that has been developed through a person-centered planning process. If a limitation is imposed, there shall be adequate justification for its application documented in the resident's written individual plan of service. The plan may restrict access in order to:
 1. Prevent physical or emotional harm to a resident;
 2. Prevent sexual harassment.
- C. Each instance when a limitation is imposed shall be documented in the resident's record.
- D. Access to entertainment materials, information, or news shall not be limited when such limitations can no longer be clinically justified, i.e. are no longer essential to achieve the treatment goal.
- E. Material not prohibited by law may be read or viewed by a minor unless there is an objection by the parent of a minor or guardian who has legal custody of the minor.
- F. House rules may restrict the rights of all home residents, in accordance with the Mental Health Code and Administrative Rules.
- G. The resident, parent, or guardian may appeal any denial of access by notifying the primary clinician, verbally or in writing. Remedial action shall be taken for any wrongful denial.

PURPOSE:

To protect the rights of recipients

DEFINITIONS:

House rules

General guidelines that apply to all residents of a home and are established to assure the safety and comfort of the residents, the therapeutic benefit of the residents, or the orderly functioning of the home.

Limitations

Constraint of a right for an individual recipient within the provisions of the Mental Health Code and Administrative Rules.

Primary clinician

The staff member in charge of implementing the recipient's plan of service.

Restrictions

General constraints of a right for all recipients in a home within the provisions of the Mental Health Code and Administrative Rules.

REFERENCES:

Department of Community Health Administrative Rule 7139

HISTORY:

Dates Reviewed: May 2008; June 2011; July 11, 2013; July 11, 2014; May 5, 2015; April 19, 2016; April 15, 2017; March 26, 2018; December 30, 2019

Dates Revised: June 2008; May 2011; July 11, 2013

Dates Approved: July 6, 2005

PROCEDURES

A. House Rules

1. Prior to admission the primary clinician will explain any restrictions in the house rules to the individual making the placement decision.
2. The home manager will:
 - a. Notify the Office of Recipient Rights if proposed house rules contain any restrictions on access to entertainment materials, information, or news;
 - b. Post a written copy of the house rules in an area that is accessible by residents and provide a copy if requested.

B. Determining Interest

At the time of admission into a residential facility, the primary clinician will:

1. Ask the individual what interests he or she has in accessing entertainment, information, or news material, including a daily newspaper, for reading, listening, or viewing, and will document the response in the resident's record;
2. Assist the resident in obtaining requested material;

C. Limitations

If any limitations are proposed for a resident the primary clinician will:

1. Determine that the limitation is justified;
2. Explain the limitation to the resident, parent of a minor or guardian and place the following documentation in the resident's record:
 - a. The specific limitation;
 - b. The justification for its adoption;
 - c. The date it expires;
 - d. The date the explanation was given;
3. Notify the resident, parent of a minor, or guardian of the appeal process;
4. Review the limitation at least annually and remove it when the circumstance that justified its adoption ceases to exist;
5. Notify the resident of the removal.

D. Minors

The primary clinician may attempt to persuade a parent of a minor or the guardian to withdraw objections to material desired by the minor, and document the attempt and the response in the resident's record.