

**PURPOSE**

The purpose of this policy is to assure that recipients in Michigan Department of Health and Human Services (MDHHS) hospitals and centers are not prevented from acquiring, at personal expense, or from reading written or printed material or from receiving or listening to television, radio, recordings or movies made available at a facility for reasons of, or similar to, censorship.

**REVISION HISTORY**

This policy has not been updated since original publication effective date of May 16, 2010.

**POLICY**

It is the policy of the MDHHS that recipients in department operated hospitals and centers shall not be prevented from acquiring, at personal expense, or from reading written or printed material or from receiving or listening to television, radio, recordings or movies made available at the hospital or center for reasons of, or similar to, censorship.

**PROCEDURE**

1. The hospital or center may limit access to entertainment materials, information or news only if such a limitation is specifically approved in the recipient's individualized written plan of service.
2. Any limitation shall be reviewed by a specially constituted committee of mental health professionals with specific knowledge, training and expertise in applied behavioral analysis (Behavior Treatment Committee). Any limitation shall be justified, time-limited and documented in the written individual plan of service. Documentation shall be included that describes attempts that have been made to avoid such limitation as well as what action will be taken as part of the behavior plan to ameliorate or eliminate the need for the limitation. The hospital or center may not limit access to entertainment material, information or news when such limitation can no longer be clinically justified.
3. A limitation where the target behavior is the result of an active substantiated psychiatric diagnosis listed in the Diagnostic and Statistical Manual of Mental Disorders need not be reviewed by the Behavior Treatment Committee.

4. All limitations shall be explained to the recipient, parents of minor recipients and guardians by the person in charge of the plan of service.
5. Living unit rules, which apply to all recipients and are established solely to assure the safety and comfort of all recipients, may generally restrict exercise of a right of all recipients to access entertainment materials, information and news only to prevent infringement on the rights of others.
6. Living unit rules may generally indicate hours for viewing or listening to electronically transmitted or recorded media and for loudness level. Use of earphones and other alternatives shall be considered when the rights of others conflict with a recipient's expression of his or her right.
7. This right shall not entitle a minor resident to obtain and keep written or printed material, or to view television or movies over the objection of the parent with legal custody or a guardian or if prohibited by law. Material not prohibited by law may be read or viewed as part of a written plan of service.
8. The staff person in charge of the plan of service may attempt to persuade a parent or guardian of a minor to withdraw objections to material desired by the minor.
9. All living unit rules shall be posted in each residential living unit. Such rules shall be approved by the facility director prior to posting, explained to all residents and periodically reviewed by the rights advisor.
10. Individual inquiry shall be made at time of admission to determine resident interest in and for the provision of a daily newspaper.
11. Restrictions and limitations shall be removed when not essential to achieve the objectives which justified their application.
12. Recipients may appeal a denial of their right to access by filing a complaint with the Office of Recipient Rights.

**REFERENCES**

- Michigan Mental Health Code, MCL 330.1752

- MDHHS Administrative Rule 330.7139
- MDHHS Administrative Rule 330.7158
- MDHHS Administrative Rule 330.7199

**CONTACT**

For additional information concerning this policy, contact the Director of the Office of Recipient Rights at (517) 373-2319.