

PURPOSE

The purpose of this policy is to assure that a recipient in any Michigan Department of Health and Human Services (MDHHS) state operated facility, hospital or center has unimpeded, private, and uncensored communication with others by mail and telephone and to visit with persons of his or her choice, except in the circumstances and under the conditions set forth in this policy.

REVISION HISTORY

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

DEFINITIONS

Mail means materials, such as letters or packages, handled in a postal system.

POLICY

It is the policy of the MDHHS that a recipient in a department operated hospital or center is entitled to and shall be afforded unimpeded, private, and uncensored communication with others by mail and telephone and to visit with persons of his or her choice, except in the circumstances and under the conditions set forth in this policy.

STANDARDS

1. A hospital or center shall provide to a recipient, unless he/she is in seclusion, in restraints, or otherwise restricted, all of the following:
 - a. Confidential and convenient receipt and mailing of correspondence.
 - b. Writing materials, telephone usage funds, and postage provided in reasonable amounts to recipients who are unable to procure such items.
 - c. Telephone for incoming and outgoing calls.
2. Reasonable times and places for the use of telephones and for visits shall be established and if established, these times and places shall be in writing and posted in each living unit and in areas accessible by the public.

3. The recipient's right to communicate by mail or telephone or receive visitors shall not be limited further except as authorized in the individual plan of services. Each limitation must be essential for one of the following reasons:
 - a. To prevent physical or emotional harm to the recipient or others.
 - b. To prevent a violation of law.
4. Any limitation on the recipient's right to communicate by mail or telephone or to receive visitors shall be reviewed by the hospital/center Behavior Treatment Committee unless the target behavior is due to an active substantiated Axis I psychiatric diagnosis listed in the DSM-IV-TR or subsequent revisions.
5. Any limitations of a recipient's right to mail, telephone use or visits shall include the following:
 - a. Documentation of the justification for the limitation and that it is essential to achieve the purpose for which it was proposed.
 - b. The date of the planned review and expected expiration date.
 - c. Recipient notification, including rationale.
 - d. In cases of telephone harassment, a written request from the person harassed.
6. A limitation of these rights shall not apply between a recipient and an attorney or a court, or between a recipient and other individuals if the communication involves matters that are or may be the subject of legal inquiry.
7. If a recipient is able to secure the services of a private mental health professional, he or she shall be allowed to see the professional at any reasonable time.
8. Mail for a recipient shall not be opened or destroyed by staff unless:
 - a. A recipient, a legally empowered guardian, or the parent of a minor has consented.

- b. There is reasonable belief that the mail is in violation of a law or written policy.
 - c. Is authorized in the recipient's plan of service.
9. 9. When mail is to be opened or destroyed pursuant to the individual plan of service it must be witnessed by the recipient and each instance of opening or destruction is to be documented in the recipient's record.

REFERENCES

- Michigan Mental Health Code, MCL 330.1752
- Michigan Mental Health Code, MCL 330.1726

CONTACT

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