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Policy Area:	<i>Recipient Rights</i>
References:	

Communications And Visits

POLICY

It is the policy of the Detroit Wayne Integrated Health Network (DWIHN) that a recipient of services within the DWIHN's contracted service area is entitled to 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 directive.

PURPOSE

To provide standards to be followed to ensure that recipients of DWIHN-contracted services have unimpeded, private, and uncensored communication with others by mail and telephone and to visit with persons of his or her choice.

APPLICATION

1. The following groups are required to implement and adhere to this policy: DWIHN Board, DWIHN Staff, Contractual Staff, Access Center, Network Providers, Crisis services vendor
2. This policy serves the following populations: Adults, Children, I/DD, SMI/SEI, SED, Autism
3. This policy impacts the following **contracts/service lines**: MI-HEALTH LINK, Medicaid, Autism, Grants, General Fund

KEYWORDS

1. Adult Foster Care facility
2. Facility
3. Licensed Facility
4. Mail
5. Resident

STANDARDS

1. A contractor, or subcontractor shall provide to a resident, unless he/she is in seclusion, in restraints, or otherwise restricted, all of the following:

- a. All mail shall be distributed and picked up Monday through Saturday in a convenient and confidential manner.
 - b. Writing materials, telephone usage funds, and postage provided in reasonable amounts to recipients who are unable to procure such items.
 - c. Telephones shall be reasonably accessible for incoming and outgoing calls.
 - d. Space for visits
2. Reasonable times and places for the use of telephones and for visits may 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 resident'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.
 4. 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
 5. Any limitations of a resident'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. Resident notification, including rationale
 - d. In cases of telephone harassment, a written request from the person harassed.
 6. Limitations on communication do not apply to a resident and an attorney or court or any other individual if the communication involves matters that are or may be the subject of legal inquiry.
 7. When mail is to be opened or destroyed pursuant to the Individual Plan of Service, the recipient must witness it and each instance of opening is to be documented in the recipient's record.
 8. Limitations on visits do not apply to a resident and a mental health professional as long as it is at a reasonable time.
 9. Each contractor, and subcontractor shall establish procedures that implement and comply with the provisions of this directive.

QUALITY ASSURANCE/IMPROVEMENT

DWIHN shall review and monitor contractor adherence to this policy as one element in its network management program, and as one element of the QAPIP Goals and Objectives.

The quality improvement programs of direct contractors must include measures for both the monitoring of and the continuous improvement of the programs or processes described in this policy.

COMPLIANCE WITH ALL APPLICABLE LAWS

DWIHN staff, contractors, and subcontractors are bound by all applicable local, state and federal laws, rules, regulations and policies, all federal waiver requirements, state and county contractual requirements, policies, and administrative directives, as amended.

LEGAL AUTHORITY

1. Michigan Mental Health Code, P.A. 258 of 1974, as amended; MCL 330.1715, MCL 330.1726, MCL 330.1752

RELATED POLICIES

1. Individual Plan of Service/Person-Centered Planning
2. Right to Entertainment Materials, Information and News
3. Treatment with Dignity and Respect

RELATED DEPARTMENTS

1. Administration
2. Clinical Practice Improvement
3. Customer Service
4. Integrated Health Care
5. Managed Care Operations
6. Quality Improvement
7. Recipient Rights

CLINICAL POLICY

YES

INTERNAL/EXTERNAL POLICY

EXTERNAL

Attachments:

Approval Signatures

Approver

Date

Dana Lasenby: Chief Clinical Officer

12/2019

Approver

Date

COPY