COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **Recipient Rights**	**Chapter** **05**	**Section** **01**	**Subject** **05**
Subject **Freedom of Movement**	**Authorization**		**Approved: 11/24/09** **Replaces: 04/27/04**	

Updated: October 2024; Reviewed/No Update: October 2025

I. PURPOSE:

A. To ensure a recipient's right to freedom of movement.

B. To restrict and/or limit a recipient's movement, when documented and appropriate.

II. APPLICATION:

All mental health programs, services, and facilities operated by or under contract with Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS:

A. Facility: A residential facility or partial day program which provides services and is operated by or under contract with GCMHA.

B. Freedom of Movement: The right to freedom of movement entitles recipients to have access to grounds, buildings, and "off ground" areas, unless generally restricted by facility policies and procedures or limited in Individual Plans of Services with justification and documentation. Freedom of movement also entitles recipients to the least restrictive modalities of treatment unless more restrictive measures are authorized and documented in the plan of service. Residents have the right to appeal restrictions/limitations on freedom of movement.

C. Groups of recipients: Classifications of recipients by administrative and/or programmatic determination which may be temporary or permanent.

D. Limitation: The constraint of a right for an individual recipient (limitations must be specified in the Individual Plan of Service).

E. Off-ground area: Areas (clearly explained to the recipient and guardian or groups of recipients) available for visit or trip, (i.e., shopping trip, local tours, home visits, etc.) that are not part of the facility.

F. Qualified Mental Health Professional: A person who has been designated that authority by the Program Director.

G. Restrictions: The general constraint of a right for all recipients in a facility, or for groups of recipients.

IV. POLICY:

A. A recipient's freedom of movement shall not be constrained except: 1) to provide mental health services, or 2) to prevent injury to self or others.

B. General restrictions applicable to all recipients shall be documented in a facility's policies or house rules and may include the following restrictions:

1. Areas that could impair the effective function of the facility:
2. Based on criteria such as:
    a. age (i.e., minor restrictions versus adult restrictions).
    b. sex, (i.e., women's and men's restrooms).
    c. physical condition (i.e., wheelchairs, crutches, isolation).
3. Areas that could cause safety or security problems.
4. Temporary restrictions from areas for reasonable unforeseeable activities, such as repairs or maintenance.
5. Emergencies in case of fire, tornados, floods, etc.
6. Access to "off-ground" areas.
7. Time restrictions, such as posted hours for access to specified areas.
8. Access to areas within boundaries like fences, etc.
9. Purpose and description (i.e., doctor's examination rooms for efficient functioning).

C. General facility restrictions will be developed in three separate categories:

1. Living unit restrictions.
2. On grounds restrictions.
3. Off grounds restrictions.

D. A copy of facility rules shall be provided to each recipient and guardian upon admission.

E. When freedom of movement is further limited, there shall be documented in the recipient's Individual Plan of Service:

1. Justification of limitation.
2. Authorization of limitation.
3. Termination of limitation.
4. Review date of limitation.
5. A notation in the clinical record of individual limitation is clearly explained to the recipient and guardian.

F. Residents have the right to be placed in the least restrictive environment and shall have the opportunity for movement when appropriate from:

1. A more to less structured environment.
2. A large to a small facility.
3. A large to a small unit.
4. Segregation from the community to integration into the community.
5. Group to individual residence.

6. Dependent to independent living.
7. When movement opposite to the above is least restrictive, justification shall be documented in the recipient's Individual Plan of Service.
8. The above movement shall be in compliance with the Admission and Release Policy.

G. Recipients and guardians shall be informed of the right to freedom of movement and any restriction or limitation of this right. Verification of this explanation shall be entered into the case record.

H. A restriction or limitation of the rights outlined in this policy shall be removed when the circumstances that justified its adoption cease to exist.

I. Limitations and restrictions of the right to freedom of movement including denial of requests for leave, may be appealed by individual recipient and/or guardian verbally or in writing, to the Rights Officer, Facility Director, Program Director, and the Executive Director of GCMHA.

V. PROCEDURES:

A. Upon admission the Right Advisor and/or Case Manager:
1. Explains to recipient and guardian the right to freedom of movement and any agency policies or house rules that restrict that right.
2. Provides a copy of the rights summary and agency policy or house rules to each recipient and guardian.
3. Verbally explains the appeal procedure to each recipient and guardian.

B. The treatment staff:
1. Determines if further limitations on the freedom of movement are needed, guided by the condition/behavior of the recipient, and GCMHA policies and procedures, and agency's general policies and procedures.
2. Documents justification, authorization, duration and review date for any further individual limitations of freedom of movement in the recipient's Individual Plan of Service.
3. Explains to the recipient and guardian in understandable terms, further limitations.
4. Explains to the recipient and guardian, in understandable terms, the right to appeal an individual's limitations of movement and how to do so. Appeals may be verbally or in writing to the Rights Officer, Facility Director, Program Director, and the Executive Director of GCMHA.

VI. REFERENCES AND LEGAL AUTHORITY:

Act 258 of the Public Act of 1974, as amended, 330.1126; Michigan Department of Health and Human Services Administrative Rules, 330.7231.

VII. EXHIBITS:

None