COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **Recipient Rights**	**Chapter** **05**	**Section** **01**	**Subject** **09**
Subject **Resident's Rights to Access**	**Authorization**		**Approved: 08/31/99** **Replaces: 03/25/97**	

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

I. PURPOSE: To establish policy regarding resident's right to access.

II. APPLICATION: All mental health facilities operated by, or under contract with the Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS:

A. Facility - a residential facility operated by or under contract with GCMHA or setting for the inpatient treatment of those who are mentally ill or intellectually/developmentally disabled.

B. Limitations - constraint of a right for an individual recipient.

C. Resident - a mentally ill or intellectually/developmentally disabled person living as an inpatient in a residential facility.

D. Restrictions - general constraint of a right for all recipients in a facility or agency, or for groups of recipients, i.e., house rules.

IV. POLICY:

A. A resident should not be prevented from acquiring, at personal expense, or from reading written or printed material or from viewing or listening to television, radio or movies available at a facility for reasons of, or similar to, censorship.

B. Limitations may be imposed if documented in individual's written plan of service.

C. The right of access shall not entitle a minor recipient to obtain and keep written material, or to view television programs or movies, over the objections of a minor's parents or guardians or if prohibited by state law.

D. The staff person in charge of the plan of service is permitted to attempt to persuade a parent or guardian of a minor to withdraw objections to material desired by the minor.

E. Facility policy or house rules may specify restrictions for the therapeutic benefit of the residents as a group.

F. Residents may not be restricted from accessing information over the internet except as provided above, although access to information may be limited and/or restricted when using equipment purchased by GCMHA and intended solely for business purposes. Use of agency equipment so designated shall be governed by GCMHA Acceptable Use Policy (#01-03-07).

V. PROCEDURE:

A. At the time of admission to a residential program, the Primary Care Coordinator will inquire as to the interest of the resident in accessing information from the media. GCMHA staff shall honor the affirmative wishes of the resident or legally empowered parent or guardian to acquire printed or videotaped material. Any specific requests shall be documented in the record.

B. Limitations to access of material for reading, listening or viewing must be specified in the written plan of service.

C. Each instance of limitation and justification for its application shall be documented and placed in the record of the resident.

D. Access for appeal shall be guaranteed the recipient in either of the following ways:
1. Appeals may be made first to the Chief Executive Officer and then to the Recipient Rights Advisory Committee.
2. The right to appeal may also be made through GCMHA's Recipient Rights office.

E. If the recipient, parent, or guardian appeals a denial of access, the person responsible for conducting the review of the restriction will notify the individual requesting the review within 14 days and will enter the results of the review into the record of the recipient.

F. When not essential to achieve objectives which justified their application, restrictions and limitations shall be removed.

VI. REFERENCES AND LEGAL AUTHORITY:

Michigan Department of Health and Human Services Administrative Rule 330.7139; GCMHA *Acceptable Use Policy* (01-03-07).

VII. EXHIBITS:

None