COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **Recipient Rights**	**Chapter** **05**	**Section** **01**	**Subject** **11**
Subject **Communication By Mail, Telephone, Visits**	**Authorization**		**Approved: 04/27/04** **Replaces: 09/26/00**	

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

I. PURPOSE: To establish policies and procedures for distributing recipients' mail and/or opening recipients' mail; telephone policies; and visits.

II. APPLICATION: All residential and inpatient programs, services, and facilities operated by or under contract with Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS:

A. Controlled Condition - at least two employees are involved in opening the mail.

B. Incoming Mail -
- **1.** Recipients' mail (including parcels and packages); and
- **2.** Agency/facility mail (includes mail in the form of government check addressed to agency/facility as representative payee for the recipient).

C. Limitation - a specific, time limited constraint of a right for an individual recipient.

D. Private - secret, not intended to be made publicly known, confidential.

E. Restriction - the general constraint of a right for all recipients in a facility or agency or for groups of recipients.

F. Uncensored - without rebuke, reproach or disapproval; free from criticism; not judged or condemned.

G. Unimpeded - without hindrance, barricade or other obstacle.

H. Legal inquiry - any matter including civil, criminal, or administrative law.

IV. POLICY:

A. Recipients are entitled to unimpeded, private and uncensored communication with others by mail and telephone. They are also entitled to visit with persons of their choice, except in the circumstances and under the conditions set forth in the following policy.

B. Each residential program shall make a telephone reasonably accessible; ensure that correspondence can be conveniently received and mailed; and make space for visits available. Writing materials (including non-letterhead stationery), telephone usage funds, and postage shall be provided in reasonable amounts to residents who are unable to procure such items.

C. The right of a recipient to communicate by mail or telephone may be limited if each limitation is essential in order to prevent the recipient from violating a law or to prevent substantial and serious physical or mental harm to the recipient or others. Limitations must be authorized in the recipient's individual plan of service.

D. A recipient shall be promptly informed of a limitation on mail, telephone calls, or visits. The recipient shall be informed of the purpose the limitation is intended to achieve, the persons, or entity involved, what the conditions must be met for the removal of the limitation, and additional information as deemed appropriate.

1. Limitations must meet the following criteria:

a) a limitation may only be imposed to the minimum extent necessary to achieve the proposed purpose.

b) each limitation must be supported by documentation including

(1) reasons to justify the limitation,

(2) significant evidence to support expected mental or physical harm, violation of law or harassment,

(3) reasons and evidence to justify the extent of the limitation as being the minimum amount necessary,

(4) specific expiration date within agency limits (ie. Day, quarterly review, etc.)

(5) a plan to assist the recipient to meet the conditions for removal.

2. Limitations are subject to administrative appeal. A recipient may contest the justification, extent, or duration of a limitation.

3. The right to communicate by mail or telephone or to receive visitors shall not be further limited except as authorized in the resident's individual plan of service.

E. Sealed mail, calls from or to, and visits from recipients' private physician or a mental health professional, a court, a recipients' attorney, or persons when communication involves matters which are or may be the subject of legal inquiry, shall not be limited except that non-emergency visits of a private physician or mental health professional may be limited to reasonable times. A time is reasonable if a visit does not seriously impinge on the effective functioning of the program or facility. Normally, a resident's request to schedule a non-emergency appointment with a physician, a mental health professional, or an attorney will be processed by the program supervisor or designee within one working day.

F. Mail:

1. Mail for recipients shall not be opened unless the recipient, a legally empowered guardian, or the parent of a minor has consented that an article of mail be opened by a designated person or there is reasonable belief that the mail is in violation of a limitation. Outgoing mail shall not be opened or destroyed without written consent of a recipient, legally empowered guardian, or the parent of a minor. Instances of opening or destruction of mail by staff shall be recorded and placed in the recipients' record.

2. Mail is to be distributed and picked up daily.

G. Telephone. Each facility shall establish telephone policies and procedures including the following conditions:

1. Provide for telephone calls to be made and received not less than during the daytime shift hours, and for not less than two evening hours.

2. Set limits for the length of incoming calls, but to not less than 5 minutes.

3. Post the times incoming and outgoing phone calls are permitted in all telephone areas, waiting rooms, quest areas, and on resident bulletin boards.

4. Additional limitations on phone usage may be imposed if another person accuses a recipient of harassment and;
   a) future telephone harassment can reasonably be expected,
   b) frequency of past harassing phone calls can be established,
   c) the agency has received a written request by the person requesting the limitation.

H. Visits:
1. Regular visiting hours are to be allowed and administered to be least disruptive of normal treatment activity and to occur on no less than three days weekly.
2. Visiting hours are to be posted in waiting rooms, resident quarters, and guest ares.
3. Adequate space to visit with residents during visiting hours shall be provided.
4. Additional limitations may be imposed:
   a) To prevent substantial and serious physical or mental harm
   b) If harm may include a visit that would substantially upset the recipient and interfere with ongoing habilitation or treatment,
   c) For mental harm only if the person(s) and limitations are specifically identified in the plan of service.

V. PROCEDURE:

A. All mail received shall be sorted for distribution to recipients or for opening as the agency/facility mail.

B. Incoming mail addressed to recipients shall be delivered to the recipient unopened unless the recipient, a legally empowered guardian, or the parent of a minor has consented that mail be opened by a designated person or there is reasonable belief that the article is in violation of a written limitation or restriction.

C. Mail reasonably believed to contain some article in violation of a written restriction or limitation shall be delivered to and opened by the recipient in the presence of designated personnel, one or both of whom shall be ward/living unit staff. If the article is found to be in violation of the restriction or limitation, it may be withheld from the recipient provided that:
1. The reason for withholding the article is explained to the recipient;
2. A statement is placed in the recipient's record which specifies
   a) the staff members who assisted in opening the article;
   b) the date on which it was opened;
   c) the justification for withholding the article including the specific restriction or limitation that served as the basis for the decision;
   d) the disposition of the recipient's mail.

D. If the article is reasonably believed to be potentially dangerous or harmful, the article may be opened under controlled conditions without the recipient being present.
1. When the article is found not to be in violation of a restriction or limitation, the article shall be delivered to the recipient and the recipient shall be informed why the article was opened;

2. When the article is found to be in violation of a restriction or limitation, the recipient shall be informed that it was received and informed of the disposition.
3. In either case (1 or 2) a statement shall be placed in the recipient's case record which specifies:
   a) who opened the article;
   b) the date on which is was opened;
   c) the justification for opening the article, including the restriction or limitation that served as a basis for the decision to open the piece of mail;
   d) the disposition of the recipient's mail.

E. The disposition of mail found to be in violation of a restriction or limitation:
1. Money shall be placed in the recipient's account;
2. Articles restricted by agency/facility policy shall be confiscated and disposed of or held in safekeeping;
3. Other limited or restricted article shall be placed in safekeeping;
4. Receipt for the article of mail shall be given to the recipient.

F. Articles of mail placed in safekeeping having become the recipient's personal property shall be inventoried.

G. Mail addressed to recipients who have legally empowered guardians shall be delivered to the recipient unless the legally empowered guardian has specifically requested that such mail be forwarded for their review or opened by a designated person. The empowered guardian shall be informed of this condition at the time of the recipient's admission.

H. Limitation of a recipient's right to receive mail shall be preceded by documentation of the circumstances in the recipient's plan of services. Documentation shall include:
1. An explanation of:
   a) why this limitation is essential to prevent serious physical or mental harm; or
   b) why there is good reason to believe that the mail contains items which are limited in the recipient's plan of service; or
   c) why the limitation is essential to prevent the recipient from violating the law.
2. Significant evidence supporting the limitation;
3. When the reason for the limitation will be reviewed;
4. When the limitation expires.

I. Mail shall not be detained or withheld to threaten or coerce the recipient, or for any other reason except as specified in the recipient's individual plan of service.

VI. REFERENCES: Act 258, Public Acts of 1974, as amended, being MCL 330.1726; Michigan Department of Health and Human Services Administrative Rules, 330.7227 and 330.7239

VII. EXHIBITS: None