

HEALTHWEST
Policy and Procedure
No. 04-017

Prepared by:
The Office of Recipient Rights

Effective: April 22, 1983
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Subject: Freedom of
Movement

Approved by:

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I. POLICY

Freedom of movement of a recipient shall not be restricted more than is necessary to provide mental health services to the recipient, to prevent injury to self or others, or to prevent substantial property damage, except that security precautions appropriate to the condition and circumstances of an individual admitted by order of a criminal court or transferred as a sentence-serving convict from a penal institution may be taken.

I. PURPOSE

To ensure that a recipient's right to freedom of movement is protected and to allow for restriction and/or limitation of a recipient's freedom of movement.

II. APPLICATION

Facilities operated by HealthWest, and contracted facilities where adherence to this policy is specified in the contract.

III. DEFINITIONS

- A. **Freedom of Movement:** The right of recipients to have access to grounds, common public areas of buildings and "off ground" areas, unless generally restricted by program/house rules or limited in the individual plan of service. Freedom of movement also entitles recipients to the least restrictive modalities of treatment unless more restrictive measures are documented in the plan of service and authorized by the recipient, parent or legal guardian.
- B. **Program/House Rules:** Rules applying to all recipients in a program or residents of a home that are established to assure the safety and comfort of recipients and the orderly functioning of the program or home.

V. PROCEDURE

- A. Recipients, and their legal representatives, shall be informed of the recipient's right to freedom of movement. The recipient, and his/her legal representative, shall receive a copy of the facility's house rules.
- B. Individual limitations or restrictions of a recipient's freedom of movement shall be an exception and not a routine component of treatment plans.
- C. Recipients shall be placed in the least restrictive setting for the treatment of his or her condition.
- D. General restrictions applicable to all recipients or groups of recipients, governing access to grounds, buildings or other areas shall be documented in a facility's program/house rules.
- E. Recipients, and their legal representatives, shall be informed of further individual limitations and justification for the limitations.
 - 1. Individual limitations shall be clinically justified on a time-limited basis.
 - 2. Documentation in the recipient's clinical record shall include:
 - a. Justification of the limitation.
 - b. Authorization of limitation.
 - c. Termination of limitation.
 - d. Review date of limitation.
 - e. A notation in the clinical record of the explanation of the limitation to the recipient, parent, or guardian.
- F. Recipients or their legal representatives, have the right to appeal individual limitations including denials of requests for leave, which restrict freedom of movement. All restrictions are considered to be substantial in scope and duration and subject to appeal.
- G. Recipients can make an appeal to the appropriate Program Supervisor. If dissatisfied, recipients may seek assistance from the Office of Recipient Rights.
- H. Any restriction on freedom of movement of a recipient is removed when the circumstances that justified its adoption cease to exist.

IV. REFERENCES

Act 258, Public Acts of 1974, as amended, 330.1126 and 330.1744.
Administrative Rules R 330.7231.