

fHEALTHWEST

Policy and Procedure

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Prepared by:

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The Office of Recipient Rights

Approved by:

Subject: Communication by Mail,
Telephone and Visits - Residential
Facilities



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I. POLICY

HealthWest staff and programs will provide recipients with unimpeded, private, uncensored communication by mail, telephone or visits with persons of their choice. Staff may impose restrictions or limitations by house rules or when documented in the recipient's individual plan of service and authorized by the recipient or his/her legal representative.

II. PURPOSE

To provide for communications by mail, telephone and visits.

III. APPLICATION

All mental health residential facilities operated by HealthWest or contracted facilities where adherence to this policy is specified in the contract.

IV. DEFINITIONS

- A. **Controlled Condition:** at least two employees are involved in opening the mail.
- B. **Facility:** A residential setting for the care or treatment of individuals with a mental illness, serious emotional disturbance, or developmental disability that is either operated by or under contract with HealthWest.
- C. **House Rules:** Rules applying to all residents of a home that are established to assure the safety and comfort of recipients and the orderly functioning of the program or home
- D. **Incoming Mail:**
 - 1. Recipient's 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).

- E. **Legal Inquiry:** Discussion of any matter involving civil, criminal or administrative law with a private physician, mental health professional, court or attorney for the recipient.
- F. **Limitation:** a limit placed on recipient's right to receive and send mail, to use the telephone or to visit with persons of their choice as written and documented in the recipient's plan of service.
- G. **Private:** Secret, not intended to be made publicly known, confidential.
- H. **Reasonable Time:** Not seriously taxing the effective functioning of HealthWest.
- I. **Restriction:** An exclusion of a particular item as stated in the written policies of an agency/facility that applies to all recipients.
- J. **Uncensored:** Without rebuke, reproach or disapproval; free from criticism; not judged or condemned.
- K. **Unimpeded:** Without hindrance, barricade or other obstacle.

V. PROCEDURES FOR MAIL

- A. Facility staff shall not open a recipient's mail unless the resident or his/her legal representative has consented that an article of mail may be opened by a designated person or there is reasonable belief that the mail is in violation of a written limitation or restriction. Outgoing mail shall not be opened or destroyed without written consent of a resident or her/his legal representative. Instances of opening or destruction of mail by staff shall be recorded and placed in the resident's record.
- B. Residents shall be able to conveniently and confidentially receive mail and correspondence and the facility shall make available to residents, upon request, non-letterhead stationery, envelopes, pens, pencils and postage in reasonable amounts.
- C. A facility shall provide a daily pick-up and deposit of mail.
- D. Agency staff may request a resident to open certain mail items in the presence of staff when it is reasonably believed by staff that the mail item may contain items limited by the individual's plan of service, or by written home rules or restrictions, excluded items such as weapons or sharp items, or to prevent serious physical

harm, or to prevent violation of the law. If the item is found to be in violation of any of these conditions, it may be withheld from the resident provided that:

1. The reason for withholding the item is explained to the resident.
2. A statement is placed in the resident's record which specifies:
 - a. The staff members who assisted in opening the item.
 - b. The date on which it was opened.

- c. The justification for withholding the item including the specific restriction of limitation that served as the basis for the decision.
 - d. The disposition of the resident's mail.
 - E. If the item is reasonably believed to be potentially dangerous or harmful, the item may be opened under controlled conditions without the resident being present.
 1. When the item is found not to be in violation of a restriction or limitation, the item shall be delivered to the resident and the resident shall be informed why the item was opened.
 2. When the item is found to be in violation of a restriction or limitation, the resident shall be informed that it was received and informed of the disposition.
 - a. Money shall be placed in the resident's account.
 - b. Articles restricted by agency/facility policy shall be held in safekeeping.
 - c. Receipt for the article of mail shall be given to the resident.
 3. In either case (1 or 2 above), a statement shall be placed in the resident's record which specifies:
 - a. Who opened the article.
 - b. The date on which it 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.

VI. TELEPHONE PROCEDURE

- A. Telephones shall be reasonably accessible and funds for telephone usage will be made available in reasonable amounts.
- B. The right of a resident to communicate by telephone may be limited:
 1. When essential to prevent the resident from violating the law.
 2. To prevent substantial physical or mental harm.
 3. If a pattern of frequent harassing phone calls is established, and/or future telephone harassment can reasonably be expected, and an individual requests a limitation in writing.
 4. By guidelines established by each facility for all residents.

5. In the event that a resident is indigent and in an emergency situation, and needing to inform a family member, HealthWest will provide funds for telephone, in reasonable amounts.
- C. A resident may call his/her legal representative at any time, if the communication involves matters that may be the subject of legal inquiry, unless the legal representative has requested limitations on such contacts.
- D. A resident may contact their physician promptly, but at reasonable times, immediately in case of emergency.
- E. Limitations on phone usage must be supported and authorized by documentation in the individual plan of services, including reasons to justify the limitation and a specific expiration date of the limitation.
- F. Reasonable time and the use of telephone be established at each facility in writing and posted in each residential program.

VII. PROCEDURES FOR VISITS

- A. Regular visiting hours will be allowed.
- B. Visiting hours will be posted in waiting rooms, resident quarters, and guest areas.
- C. Adequate space to visit with residents during visiting hours shall be provided.
- D. If a resident is able to secure the services of a mental health professional, he or she shall be allowed to see the professional at any reasonable time.
- E. Limits on visitation are allowed only:
 1. To prevent substantial physical or mental harm only if the person and limitation is specifically identified in the individual's plan of service.
 2. To prevent substantial interference with ongoing treatment.
 3. By house rules.

VIII. PROCEDURES FOR GENERAL LIMITATIONS

- A. All limitations on mail, telephone calls and visits must be made using the person-centered process and approved by the case manager and their supervisor, and must meet the following criteria:
 1. Be of the minimum amount necessary to achieve the stated purpose.
 2. Be supported by documentation on the individual plan of services including:
 - a. Reasons to justify the limitation.

- b. Significant evidence to support expected mental or physical harm, violation of law, or harassment.
 - c. Reasons and evidence to justify extent of limitation as being minimum amount essential.
 - d. Specific expiration date within limits established by the primary worker.
- B. The resident shall be promptly informed of any limitation on mail, telephone calls or visits. The resident shall be informed of the purpose the limitation is intended to achieve.
- C. Limitations are subject to administrative appeal. A resident may appeal the justification, extent, or duration of a limitation to the Program Supervisor. If dissatisfied, appeals may be made to the Office of Recipient Rights.
- D. The case manager shall minimally review limitations with quarterly and annual reviews of the individual's plan of services.
- E. Communication in any form with a private physician, mental health professional, court, recipient's attorney, or other persons who are or may be the subject of legal inquiry shall not be limited.

IX. REFERENCES

M.C.L. 330.1 715, 330.1726(2), 330. 1752
Administrative Rule R 330. 7239(1)(c)

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