Community Mental Health Partnership of Southeast Michigan/PIHP	*Policy and Procedure* *Communication by Mail, Telephone, and Visits*
Department: Recipient Rights **Author: Shane Ray**	**Local Policy Number (if used)**
Regional Operations Committee Approval Date 4/16/2020	**Implementation Date 5/15/2020**

I. PURPOSE

The purpose of this policy is to establish guidelines which ensure that recipients are able to communicate with individuals of their choice by mail, telephone, and visits.

II. REVISION HISTORY

DATE	REV. NO.	MODIFICATION
4/20/10	1.0	Full policy revision
3/20/13	1.1	Template updated
1/13/17	1.2	Template Updated
2/13/20	1.3	3-year review No Content Changes

III. PERSONS AFFECTED

This policy applies to all staff, students, volunteers, and contractual organizations receiving any funding directly or sub-contractually, within the provider network of the Community Mental Health Partnership of Southeast Michigan (CMHPSM).

IV. POLICY

It is the policy of the CMHPSM that recipients are entitled to unimpeded, private and uncensored communication by mail and telephone, and to visit with persons of their choice, except in instances allowable by law and further defined in policy.

V. DEFINITIONS

Community Mental Health Partnership Of Southeast Michigan (CMHPSM): The Regional Entity that serves as the PIHP for Lenawee, Livingston, Monroe and Washtenaw for mental health, developmental disabilities, and substance use disorder services.

Community Mental Health Services Program (CMHSP): A program operated under chapter 2 of the Mental Health Code as a county community mental health agency, a community mental health authority, or a community mental health organization.

Consent: Consent is defined as either of the following:

1. A written agreement signed by a recipient, unless the recipient has a designated legal representative with authority to execute consent. If the recipient has a designated legal representative, the legal representative must provide written agreement.
2. A verbal agreement of a recipient, unless the recipient has a designated legal representative with authority to execute a consent, that is witnessed and documented by an individual other than the individual providing treatment. If the

recipient has a designated legal representative, the legal representative must provide verbal agreement.

Additionally, consent must include the elements of competency, comprehension, knowledge, and voluntariness.

Legal Inquiry: Any matter concerning civil, criminal, or administrative law.

Legal Representative: A legal representative is defined as any of the following:

1. A court-appointed guardian,
2. A parent with legal custody of a minor recipient,
3. In the case of a deceased recipient, the executor of the estate or court appointed personal representative,
4. A patient advocate under a durable power of attorney or other advanced directive.

Mail: Letters, magazines, packages and other material sent or received through the U.S. Postal Service, Federal Express or other carriers.

Mental Health Professional: A Mental Health Professional is defined as any of the following:

1. A physician who is licensed to practice medicine or osteopathic medicine and surgery in this state under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
2. A psychologist licensed to practice in this state under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
3. A registered professional nurse licensed to practice in this state under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
4. A licensed master's social worker licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
5. A licensed professional counselor licensed to practice in this state under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
6. A marriage and family therapist licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

Regional Entity: The entity established under section 204b of the Michigan Mental Health Code to provide specialty services and supports.

Uncensored: Without rebuke, reproach or disapproval; free from criticism; not judged or condemned.

Unimpeded: Not slowed or prevented; unblocked.

VI. STANDARDS

A. Recipients are entitled to unimpeded, private and uncensored communication by mail and telephone, and to visit with persons of their choice, except in the circumstances set forth in this policy. This standard is inclusive of electronic mail and other forms of electronic communication.

B. Recipients' right to communicate by mail or telephone, or to receive visitors, shall not be limited except as indicated in their Individual Plan of Service, or as indicated in program rules of licensed residential settings.

C. Individual limitations on communication must be implemented as clinically appropriate, and in compliance with the CMHPSM polices Limitation of Rights and Behavior Treatment Committee.

D. A recipient's communication regarding matters of legal inquiry shall not be limited under any circumstances. This may include communication with an attorney, a court, or the CMHPSM's Recipient Rights Officer, Customer Service Representative, or Fair Hearings Officer.

E. If a recipient secures the services of a Mental Health Professional or other licensed professional, the recipient shall be allowed to see that person at any reasonable time. A time is reasonable as long as it does not affect the functioning of the program.

F. Restrictions on a recipient's right to communication may be appealed verbally or in writing to the local supervisor/designee and then to the local CMH Director.

VII. EXHIBITS

None

VIII. REFERENCES

Reference:	Check if applies:	Standard Numbers:
CMHPSM Policy: Behavior Treatment Committee	X	
CMHPSM Policy: Consent to Treatment and Services	X	
CMHPSM Policy: Limitation of Rights	X	
MDHHS Administrative Rules	X	330.7199(2) (g)
Michigan Mental Health Code Act 258 of 1974	X	Sec. 330.1715, 330.1726
Licensing Rules for Adult Foster Care Small Group Homes	X	R400.14304
MDHHS Revised Plan for Procurement of Medicaid Specialty Prepaid Health Plans	X	

IX. PROCEDURES

A. Mail, Incoming

WHO	DOES WHAT
Assigned Clinical staff	1) Ensures that any need or limitation regarding incoming mail is documented

	in the recipient's Individual Plan of Service. 2) Ensures that any limitations regarding incoming mail, including the opening or destruction of mail by staff, are in compliance with agency policy.
Licensed Residential Services Provider Non-Licensed Residential Service Provider	1) Ensures that a postal box is available for the delivery of mail. 2) Ensures that incoming mail can be conveniently and confidentially received. 3) Does not open a recipient's mail unless authorized in the recipient's Individual Plan of Service. 4) Completes an Incident Report for any instance of opening, withholding, or destruction of recipient mail.

B. Mail, Outgoing

WHO	DOES WHAT
Assigned Clinical staff	1) Ensures that any need or limitation regarding outgoing mail is documented in the recipient's Individual Plan of Service. 2) Ensures that any limitations regarding outgoing mail are in compliance with agency policy.
Licensed Residential Services Provider	1) Ensures that a postal box is available for the deposit of outgoing mail. 2) Ensures that outgoing mail can be conveniently and confidentially sent. 3) Ensures that writing materials, non-letterhead stationery and postage are provided in reasonable amounts for recipients unable to procure such items.
Non-Licensed Residential Service Provider	1) Ensures that a postal box is available for the deposit of outgoing mail.

	2) Ensures that outgoing mail can be conveniently and confidentially sent.

C. Telephone Calls

WHO	DOES WHAT
Assigned Clinical staff	1) Ensures that any need or limitation regarding telephone usage is documented in the recipient's Individual Plan of Service. 2) Ensures that any limitations regarding telephone usage are in compliance with agency policy.
Licensed Residential Services Provider	1) Ensures that a telephone is reasonably accessible to recipients. 2) Provides a reasonable amount of telephone usage funds for those unable to provide their own. 3) Ensures that recipients are afforded privacy during telephone usage. 4) If limits are set regarding the length of telephone calls, ensures that the limit is no less than five (5) minutes. 5) Ensures that any limitations regarding telephone usage, including length or hours of usage, are posted in a conspicuous area for both residents and guests.
Non-Licensed Residential Service Provider	1) Ensures that recipients are afforded privacy during telephone usage.

D. Visits

WHO	DOES WHAT
Assigned Clinical staff	1) Ensures that any need or limitation regarding visits is documented in the recipient's Individual Plan of Service. 2) Ensures that any limitations regarding visits are in compliance with agency policy.

Licensed Residential Services Provider	1) Ensures that adequate space and privacy is provided for recipients to receive visitors. 2) Ensures that any limitations regarding visits, including visiting hours, are posted in a conspicuous area for both residents and guests.
Non-Licensed Residential Service Provider	1) Ensures that adequate space and privacy is provided for recipients to receive visitors.