


CHAPTER: 1	SECTION: 20	SUBJECT: RECIPIENT RIGHTS
TITLE: FREEDOM OF MOVEMENT		
DATE OF ORIGIN: 12/31/1986	REVIEWED DATE: 9/13/99, 3/14/02, 6/20/05, 4/30/08, 9/26/11, 12/17/12, 12/16/13, 9/22/14, 9/28/15, 12/19/16, 10/16/17, 12/17/18, 12/16/19, 09/28/20, 09/29/21, 12/19/22, 12/18/23	
LAST REVISED/EFFECTIVE DATE: 09/28/2020		
ISSUED AND APPROVED BY:  EXECUTIVE DIRECTOR		

I. PURPOSE:

To assure a consumer's freedom of movement is not restricted any more than is necessary.

II. APPLICATION:

All Community Mental Health of Ottawa County (CMHOC) staff and contract agency staff as specified by contract.

III. DEFINITIONS:

Not Applicable

IV. POLICY:

It is the policy of CMHOC that a consumer shall have the right to the least restrictive conditions necessary to provide mental health services with due safeguards for the safety of persons and property. Mental health services will be provided in the least restrictive setting that is appropriate and available.

V. PROCEDURE:

- A. A consumer shall have access to all areas within and outside of the program that are for recreational, vocational, and normal social activities.
- B. A consumer's freedom of movement will not be restricted more than is necessary to provide mental health services to him/her, to prevent injury to him/her or to others, or to prevent substantial property damage, except the 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.
- C. Individual limitation on freedom of movement must be justified and documented in the consumer's Individual Plan of Service (IPOS) and/or Behavior Treatment Plan and be time limited. This documentation will include:
 - 1. Justification of the limitation, including a brief description of less restrictive methods which have been tried.
 - 2. Authorization of the limitation.

3. Duration of the limitation.
 4. Review date for the limitation.
 5. When and by whom the limitation was explained to the consumer, and when applicable, to the parent of a minor or empowered guardian.
- D. Any restriction on freedom of movement of a recipient is removed when the circumstance that justified its adoption ceases to exist.
- E. If it is believed that a consumer should be receiving services in a more or less restricted setting, the case manager/supports coordinator/therapist will convene an interdisciplinary team meeting to determine the least restrictive treatment setting appropriate to meet the needs of the consumer, and to develop a plan to meet these needs.
- F. Consumers will not be transferred to more restrictive settings unless to prevent injury to self or to others, or to prevent substantial property damage.
- G. A facility shall assure that residents are not transferred to settings which increase restraints on personal liberty unless the resident has committed or is expected to commit an act or acts which if committed by a person criminally responsible for his conduct, would constitute homicide or, felonious assault or is so dangerous a mentally disabled person that his/her presence in a facility is dangerous to the safety of other residents, employees, the community, or him/herself. Procedures for this determination shall be consistent with the applicable statutes, rules, policies, and procedures relating to transfers and appeals of transfer or shall provide substantially similar procedures which permit a resident to challenge such a move.

VI. ATTACHMENT:

None Applicable

VII. REFERENCE:

Michigan Mental Health Code
Administrative Rules
MDHHS-ORR Attachment B