

CENTRA WELLNESS NETWORK

Board Adopted Procedure		
Procedure	03.19	Policy Title: 03.00 Enrollee Rights
Effective Date:	1/13/2011	Subject: Freedom of Movement – Resident Rights in Specialized Residential Settings
Review Cycle:		
Approval Validation Record		
Action	Date	Board Sec’y Initials
Full Board Vote:	1/13/2011	<i>ARH</i>
Minutes Approved:	2/10/2011	<i>ARH</i>
Accountability		
Board Committee:	Policy Committee	
Agency Function:	Freedom of Movement – Resident Rights in Specialized Residential Settings	
Sunset Review Begins:		
Revised Date:		
Review Date:	4/24/2014	<i>ARH</i>
	4.5.2017	<i>ARH</i>

**CENTRA WELLNESS NETWORK
PROCEDURE 03.19 FREEDOM OF MOVEMENT**

I. APPLICATION:

Agency Wide.

II. POLICY:

The Centra Wellness Network (CWN) Governing Board shall establish policies with related procedures to ensure clients are offered the rights afforded them pursuant to obligations under the Mental Health Code, Administrative Rules, contractual obligations with the Michigan Department of Health and Human Services (MDHHS), and the Inter-local agreement with Manistee and Benzie Counties, any other state and federal regulations, and pertinent accreditation criteria.

III. DEFINITIONS:

N/A

IV. PROCEDURE:

- A. Recipients shall have the freedom to access areas suited for vocational, social and recreational activities.
- B. The freedom of movement of a recipient shall not be restricted more than is necessary to provide mental health services to him or her, to prevent injury to him or her or to 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.
- C. A restriction of the right to freedom of movement, the date the restriction expires, and the justification for its adoption shall be promptly noted in the record of the resident. This documentation shall also include attempts to avoid such restrictions, as well as what action will be taken as part of the plan to ameliorate or eliminate the need for the restrictions in the future.
- D. A recipient or other person on the recipient's behalf shall have the right to appeal individual limitations of freedom of movement restrictions. Such appeal shall be made to the CWN Executive Director who shall respond in writing with his/her decision in ten business days. This same process shall apply to a denial of leave request. The decision of the Executive Director is final.
- E. Any restriction on freedom of movement of a recipient is removed when the circumstance that justified its adoption ceases to exist.

V. DISCUSSION OF INTENT:

The intent of CWN that a recipient 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.

Authority and Related Directives Trace	
Federal	42 CFR §438.100 (2)(v) and (3)(c)(d).
State	MHC 330.1708, 330.1712, 330.1744, 330.1752
NMRE	Administrative Manual Policy# 07-01-014
County	Interlocal Agreement of December 1992 Section IX(j)
CARF	CARF 2016 Behavioral Health, Section 1K.
Other	Board By-Laws, Section 7.E.