BERRIEN MENTAL HEALTH AUTHORITY
PROCEDURE

SUBJECT: Resident's Right to Access Media Material	SECTION: 01-08-05 Page 1 of 3
APPLICATIONS: Directly Operated & Contractual Residential and Inpatient Programs EFFECTIVE DATE: 10/01/94 APPROVED BY: _____ Chief Executive Officer REVISED: 04/95, 01/99, 03/02, 06/03, 02/05, 06/08, 7/12, 7/15, 4/2020, 8/2023, 2/2026	REQUIRED BY: MHC 752; AR 7139

POLICY:
Recipients of Berrien Mental Health Authority (BMHA) Services will not be prevented from acquiring at personal expense, or from reading written, printed or electronic material or from receiving, viewing or listening to television, radio, recordings or movies commonly available or available at a facility for reasons of, or similar to, censorship. Exceptions to this policy may only occur through individual limitations documented in the written plan of service or as generally restricted by posted living unit guidelines that apply to all residents in a facility.

PURPOSE:
To provide a guideline for reasonable access to media material in residential and inpatient settings and to set forth the requirements for restricting access, when appropriate. All residential and nonresidential service providers—including Adult Foster Care homes, assisted living settings, homes for the aged, and adult day centers—must fully comply with the Home and Community-Based Services (HCBS) Final Rule. House rules that restrict resident freedoms are prohibited, even if they are permitted under state licensing. General rules or guidelines that restrict, control, or regiment recipients' daily lives are not allowed. Recipients may not be required to sign house rules, guidelines, or agreements that limit their freedoms as a condition of living in the home. Any restriction on a recipient's rights must be based on a specific, documented health or safety need and must be agreed upon in the Person-Centered Plan or Behavior Treatment Plan.

STANDARD:
- House/Facility guidelines and responsibilities must be provided to all individuals receiving treatment at intake and during the initial placement process to ensure informed consent when agreeing to and signing the resident care agreement. These guidelines must be posted in a common area and comply with HCBS rules.

DEFINITIONS:
1. House/Facility - A residence for the care and treatment of individuals with a mental illness, serious emotional disturbance or developmental disability.

2. Limitation – Constraint of a right for an individual recipient as indicated in the individualized written plan of service.
3. Restriction – General constraint of a right for all or a group of recipients in a residential facility based on objective criteria and established solely to assure the orderly functioning of a living unit, such as no smoking inside the home or facility.
4. Resident – Individual who receives services in a facility.

PROCEDURE:

1. Limitations may not be imposed for staff convenience or for purposes of censorship. However, house or facility guidelines may generally restrict residents' access to entertainment materials, information, and news in shared or public areas **only** for the following reasons:
    A. To prevent infringement on the rights of others; or
    B. When limited by recipient's individualized plan of service for treatment-related reasons.
2. Providers must assist all recipients who wish to view or read entertainment materials in a private area. General house or facility guidelines may restrict viewing or reading of such materials in shared or public areas of the home unless all recipients agree to view or read the materials together.

3. House/facility guidelines apply to all residents and are established solely to assure the safety and comfort of residents and the orderly functioning of the house/facility such as no smoking inside the house/facility.

4. The use of earphones and other alternatives must be considered when the rights of others conflict with an individual's expression of this right.

5. Electronic devices used to access media are the expense and responsibility of the person who owns the device. While they may choose to, it is not the responsibility of the residential setting to provide internet or mobile services or replace for theft or breakage of their electronic device unless the device is broken by staff.

6. At the time of placement/admission, all guidelines/policies must be explained to recipients, parents of minors and guardian(s) by the person in charge of the individual's written plan of service or the individual in charge of the house/facility.

7. All individual limitations/restrictions to access entertainment materials, information, or news must be justified and documented in the written individualized plan of service. Each instance when a limitation is imposed will also be documented in the record by the provider.

8. Any limitation shall be reviewed by a specially constituted committee of mental health professionals with specific knowledge, training, and expertise in applied behavioral analysis (Behavior Treatment Committee). Any limitation shall be justified, time-limited and documented in the written individual plan of service. Documentation shall be included that describes attempts that have been made to avoid such limitation as well as what action will

be taken as part of the behavior plan to ameliorate or eliminate the need for the limitation. The house/facility may not limit access to entertainment material, information, or news when such limitation can no longer be clinically justified.

9. All limitations must be explained to recipients, parents of minors and guardian(s) by the person in charge of the individual's plan of service. Concerns about the limitations of individual rights must be referred to the director of the program or contract agency and, if not resolved, to the Office of Recipient Rights.

10. This right will not entitle a minor recipient to obtain and keep written or printed material, or view television or movies, over the objection of the parent with legal custody or a guardian or if prohibited by law. Material not prohibited by law may be read or viewed as part of a written plan of service.

11. The person in charge of the plan of service will attempt to advocate for and persuade a parent or guardian of a minor to withdraw objections to materials desired by the minor.

12. All house/facility guidelines/policies must be posted in each residential living unit. Prior to posting, they must be approved by the house/facility director, explained to all recipients, and periodically reviewed by the Office of Recipient Rights.

13. An individual inquiry must be made at the time of placement or admission to determine the recipient's interest in receiving a daily newspaper. A recipient may choose to start or discontinue receiving a daily newspaper at any time

14. Restrictions and limitations must be removed when not essential to achieve the objectives that justified their application or are no longer clinically justified.

15. Recipients may appeal a denial of their right to access media to the Office of Recipient Rights.

16. Each contract residential service provider shall develop written procedures to further particularize and comply with the minimum standards established in this policy.

FORMS:
Rights complaint form – Available electronically on the BMHA web page; hard copy available in the RR Office & lobby areas.

Reviewer: Office of Recipient Rights
Reviewed: 5/07, 3/08, 7/09, 6/10, 9/11, 7/12, 7/13, 4/14, 7/15, 7/16, 4/17, 3/18, 3/19, 4/2020, 9/2021, 7/2022, 8/2023, 8/2024, 8/2025, 2/2026