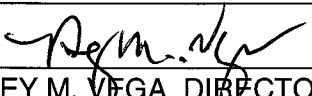


Guam Behavioral Health and Wellness Center		
TITLE: Restriction of Consumer Privileges and Denial of Rights for a Good Cause	Policy No: CL-NU-36	Page 1 of 3
RESPONSIBILITY: Residential Program, Crisis Stabilization Unit		
APPROVED BY:  REY M. VEGA, DIRECTOR	EFFECTIVE: JAN 31 2017	
	LAST REVIEWED/REVISED:	

POLICY:

- A. It is the policy of Guam Behavioral Health and Wellness Center (GBHWC) to uphold the consumer's legal and civil rights, granted by the Constitution and laws of Guam and the United States; however GBHWC can restrict and deny some of the consumer rights for a good cause.
 1. A right shall not be withheld or denied as a punitive measure, nor shall it be considered a privilege to be earned.

- B. It is the policy of GBHWC to extend privileges to consumers as a result of exceptional conformance to program rules or due to extraordinary progress.
 1. Privileges, unlike consumer's rights can be lost through violation of programs rules or a failure to demonstrate progress in treatment.

- C. Only the following specific rights are subject to denial or restriction for good cause;
 1. To be able to keep and be allowed to spend one's own money for personal and incidental needs.
 2. To be able to keep and wear one's own clothing.
 3. To be able to keep and use one's own personal possessions, including toilet articles.
 4. To be able to have access to individual storage space for one's private use.
 5. To be able to see visitors each day.
 6. To have reasonable access to telephones, both to make and receive confidential calls.
 7. To be able to mail and receive unopened correspondence and have ready access to letter writing materials, including U.C. postage stamps.

- D. Good cause must exist for denial of any right(s) listed above. Good cause is present only when the professional person in charge of the facility, or his/her designee, finds that;
 1. The exercise of the specific right to be denied would be injurious to the consumer, *or*
 2. There is evidence that the specific right, if exercise, would seriously infringe on the rights of others, *or*
 3. The facility would suffer serious damage if the specific right is not denied, *and*
 4. That there is no less restrictive way of protecting the interest specified in 1, 2, or 3 above.

- E. Only a qualified mental health professional in charge of the facility or a licensed clinical provider can deny a consumer's rights for good cause.

- F. Any denial of a right or restriction of privileges must be reviewed on a regular and ongoing basis. Once good cause no longer exists, the consumer's right(s) and privileges must be restored.

- G. The Consumer Rights Denial Order Form (F-CL-54) shall be used to document restrictions of privileges and denial of rights.
- H. Clinical staff shall keep a log of all denial orders, when the orders were reviewed and rights restored.

DEFINITION:

Good Cause for Denial of Rights:

A reasonable cause that is necessary for the medical welfare of the patient to impose restrictions to a specific right, such as (1) The exercise of the specific right to be denied would be injurious to the consumer, *or* (2) that there is evidence that the specific right, if exercised, would seriously infringe on the rights of others, *or* (3) That the facility would suffer serious damage if the specific right is not denied, *and* (4) That there is no less restrictive way of protecting the interest specified in 1, 2, or 3 above.

Privileges:

A privilege is the level of freedom off the inpatient unit or residential facility authorized for a patient. Privilege levels range from being restricted to the inpatient unit to being authorized to leave the buildings and grounds without escort for a specified period of time. Other privileges may be extended to consumers in a residential facility; such as and not limited to allowing them to smoke, providing transportation privileges, and allowing them to engage in other activities outside of their scheduled activities.

PROCEDURE:

A. Consumer Rights Denial Order Form (F-CL-54)

1. Anytime a clinician provider has a good cause to deny a consumer's right or privilege he/she shall consult and notify the professional person in charge;
 - i. For Acute Inpatient Services the Psychiatrist shall order the Denial of Rights and complete the Denial Order Form (F-CL-54).
 - ii. For Residential Recovery Treatment Program the Licensed Clinical Professional/Provider shall order the Denial of Rights and complete the Denial order Form (F-CL-54)
2. The consumer shall be informed of the specific right denied, or privilege restricted, reason for the denial and behavior required to restore the right and or privilege.
3. When the right or privilege is restored the consumer shall be informed and it shall be documented on the original form (F-CL-54).
4. A progress notes shall be completed to explain the specific scenario that led to the denial of rights, or restriction of privileges, and include the specific right(s) or privilege(s) denied, the consumer's response and any other information to ensure appropriate justification for the denial of the right and privilege.

B. Restriction of Privileges

1. A privilege can be lost through violations of program rules or a failure to demonstrate progress in treatment.
2. Restriction of privileges shall follow the same procedure as in Denial of Rights for a good cause protocol.
3. Only the Manager of the Residential Program in charge of the facility or a licensed clinical provider can restrict the consumer's privileges.
4. The same order form for Denial of Rights shall be used in restriction of privileges.

C. Review of Rights Denial and Privilege Restriction:

1. Any review of the denial shall also be documented on the original form by completing the "Review of Denial" section.
 - i. Any denial of a right or restriction of privileges shall be reviewed on a regular and ongoing basis. Once good cause no longer exists, the consumer's right(s) must be restored.
 - ii. The treatment team may request a review of a denial at anytime.

D. Involuntary Consumers:

1. According to Guam Law, mandated consumers may have his/her rights denied for good cause.
2. The same procedure for voluntary consumers (above) shall be used to deny the right(s) for mandated consumers.
3. Information pertaining to the denial of rights contained in the consumer's medical record shall be made available to the consumer, his/her attorney, or his/her conservator or guardian.

ATTACHEMENTS

I. *GBHWC Consumer Rights Denial Order Form (F-CL-54)*

REFERENCES:

10 GCA Health and Safety Chapter 86 Department of Mental Health & Substance Abuse. In *Guam Code Annotated*.

California Department of health Care Services. (n.d.). *Rights for Individuals in Mental Health Facilities* . Retrieved from California Dept. of Healthcare Services:

http://www.dhcs.ca.gov/services/Documents/DHCS_Handbook_English.pdf

CARF. (2016). *Behavioral Health Standards Manual*. Tucson, Arizona: CARF International.

**GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER
REVIEW AND ENDORSEMENT CERTIFICATION**

The signatories on this document acknowledge that they have reviewed and approved the following:

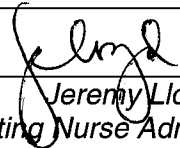


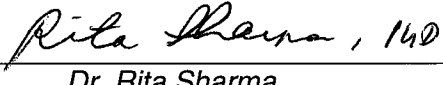
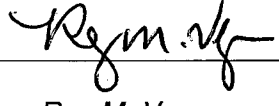
Policies and Procedure

Submitted by: Nursing Service

Protocol/Form

Policy No: CL-NU 36

Title: Restriction of Consumer Privileges and Denial of Rights for a Good Cause

Reviewed/Endorsed Title	Date	Signature
	1/27/17	 Jeremy Lloyd. Acting Nurse Administrator
Reviewed/Endorsed Title	Date	Signature
	1/25/17	 1/25/17 Shermalin Pineda Manager Residential Recovery Program
Reviewed/Endorsed Title	Date	Signature
	1/30/17	 Dr. Ariel Ismael Medical Director
Reviewed/Endorsed Title	Date	Signature
	1-30-17	 Dr. Rita Sharma Psychologist
Reviewed/Endorsed Title	Date	Signature
	1/31/17	 Rey M. Vega Director