


Guam Behavioral Health and Wellness Center		
TITLE: Restriction of Consumer Privileges and Denial of Rights for a Good Cause	Policy No: AD-PA-101	Page 1 of 3
APPLICABILITY: Crisis Stabilization Unit		
APPROVED BY:  THERESA C. ARRIOLA, DIRECTOR	DATE OF ORIGINAL APPROVAL: Jan. 31, 2017	LAST REVIEWED/REVISED:

POLICY:

- A. Guam Behavioral Health and Wellness Center (GBHWC) uphold the consumer's legal and civil rights, granted by the United States Constitution and laws of Guam; however GBHWC can restrict and deny some of the consumer rights for a good cause, in accordance with Chapter 86 GCA Article 6, Section 82601 through 82605.
- B. A right shall not be withheld or denied as a punitive measure, nor shall it be considered a privilege to be earned. It can only be denied for a good cause; 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.
- C. 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, which are the following;
 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.
- D. GBHWC can extend privileges to consumers in the Residential Program or Inpatient Unit as a result of exceptional conformance to program rules or due to extraordinary progress. It can also be lost through violation of programs rules or a failure to demonstrate progress in treatment.
- E. 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.

- F. The Consumer Rights Denial Order Form (AD-PA-101) shall be used to document restrictions of privileges and denial of rights.
- G. 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 of 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 AD-PA-101

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 (FAD-PA101).
 - ii. For Residential Recovery Treatment Program the Licensed Clinical Professional/Provider shall order the Denial of Rights and complete the Denial order Form (FAD-PA101)
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 (FAD-PA101).
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 any time.

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

GBHWC Consumer Rights Denial Order Form (AD-PA-101)

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. (2020). *Behavioral Health Standards Manual*. Tucson, Arizona: CARF International.



GUAM BEHAVIORAL HEALTH & WELLNESS CENTER

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DENIAL OF CONSUMERS' RIGHTS ORDER & MONTHLY TALLY

Consumer Name		MR#	Month & Year
Consumer Current Legal Status		Date of Admission	
<input type="checkbox"/> Legal Hold	<input type="checkbox"/> Voluntary	<input type="checkbox"/> Conservatee	<input type="checkbox"/> Other _____

General Instructions:

- Individual Denials of Consumer Rights MUST be documented in the consumer's record in accordance with Chapter 86 GCA Article 6, § 82601 through 82605.
- GOOD CAUSE for denial of rights shall be documented on the doctor's orders and Nurses' Notes in the consumer electronic medical record in conformity with Chapter 86 GCA Article 6 § 82602 through 82603. Good cause for denying a right includes the requirement that there be some relationship between right denied and the reason from denying the right.
- RESTORATION OF RIGHTS shall be documented in the consumer electronic record. A right shall not continue to be denied when good cause for its denial no longer exist.
- This form is to be filed in the consumer record as a daily record of rights denials

DAY OF MONTH

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
RIGHT DENIED																																
A																																
B																																
C																																
D																																
E																																
F																																
G																																
H																																

LEGEND: Only the following rights are subject for denial for a good cause:

- | | |
|--|---|
| A. The right to wear one's own clothes | E. The right to see visitors each day |
| B. The right to keep and use one's own personal possession, include toiletries | F. The right to have reasonable access to telephones, to make and receive calls |
| C. The right to keep and be allowed to spend one's own money for personal use | G. The right to have ready access to letter writing materials including stamps |
| D. The right to have access to individual storage space for private use | H. The right to receive and mail unopened correspondence |



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Good Cause for Denial of Rights: Injurious/harmful to self. Infringement on rights of others. Serious damage to facility.

Explain/Describe relationship of good cause to denial of right

[Large empty rectangular box for explaining the relationship of good cause to denial of right]

RESTRICTION OF PRIVILEGES

Privileges Restricted/Denied	Program Rules violated causing restriction of privileges
[Empty space for listing restricted privileges]	[Empty space for listing violated program rules]

Plan for Reinstatement of Right or privilege denied: Proposed Review Date: _____

Name & Signature: _____

Qualified Behavioral Health Provider

Result of 1st Review: Date _____ Reinstate Right and or Privilege Denial of Right and or Privilege **Provider Signature** _____

Result of 2nd Review: Date _____ Reinstate Right and or Privilege Denial of Right and or Privilege **Provider Signature** _____

Name & Signature: _____ **Date:** _____

Qualified Behavioral Health Provider