

COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEASTERN MICHIGAN		<i>Policy and Procedure</i>	
Department: Recipient Rights Author: N. LaBrie		<i>Personal Property & Funds</i> Local Policy Number (if used)	
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I. PURPOSE

To establish guidelines for the protection of, and access to, personal property and funds belonging to recipients in supported living settings and in other group services provided by the Community Mental Health Partnership of Southeastern Michigan (CMHPSM) and organizations under contract to the CMHPSM.

II. POLICY

- A. Recipients are entitled to receive, possess and use all personal property and funds, and to have easy access to money kept in the recipient's account, unless a limitation is essential to:
1. Prevent theft, loss or destruction of the property, unless a waiver is signed, with full informed consent, by the recipient.
 2. Prevent physical harm to recipient or others.
- B. Any exclusions of personal property must be listed in House Rules or rules for other group settings and posted in a central location where they may be easily seen by recipients and others. Individual restrictions of personal property may be imposed if clinically justified on a time-limited basis and must be specifically approved and documented in the Individual Plan of Service. When no longer essential to achieve objectives which prompted its imposition, the limitation shall be removed.
- C. Recipients shall be afforded maximum control over and choice in the utilization of their personal funds.
- D. Limitations on access to, or choice in the use of funds may only be made when there is a demonstrated need for such support. Such limitations may be made only in consultation with the Assigned Program Staff and other relevant professional staff.
- E. Limitations on access to, or choice in, the use of funds shall be incorporated into the recipient's Person Centered Plan/Individual Plan of Supports. Support planning shall incorporate proposed steps to increase the recipient's ability to

manage and access funds. Methods of facilitated choice shall be included where appropriate. The Limitation of Rights section of the Plan of Service must specify the duration of restrictions/ supports and the frequency at which they will be reviewed as outlined in the Limitation of Rights Policy.

- F. Staff shall not through fraud, deceit, misrepresentation, coercion, or unjust enrichment obtain or use, or attempt to obtain or use, a recipient's money or property to directly or indirectly benefit the staff. Theft of consumer property or funds shall be reported to law enforcement.
- G. Authorization and disbursement of recipient funds shall be provided to a single identified staff person. A different staff person shall be responsible for the ledger of activity and receipts of purchase. Further, the two staff shall be required to coordinate activities daily and resolve any discrepancies immediately.
- H. Provider Agencies shall reimburse a recipient for any discrepancies in client funds, either from theft or simple error. The Provider Agencies may subsequently seek reimbursement for their expense from involved employees but this shall not replace or delay the obligation of the Provider Agency to reimburse the recipient promptly.

III. APPLICATION

All recipients while under the care of any WCHO, CSSN and CSSN Look-alike staff, students, volunteers, and/or contractual agencies within the Community Mental Health Partnership of Southeast Michigan (CMHPSM).

IV. DEFINITIONS

Personal property - Any possessions that belong to a recipient.

Personal funds - Any money that belongs to a recipient.

V. STANDARDS

None

VI. EXHIBITS

None

VII REFERENCES

Reference:	Check if applies:	Standard Numbers:
Michigan Mental Health Code Act 258 of 1974, as amended	X	Sec. 728, 730, 732
DCH Administrative Rules	X	AR 7009

Limitation of Rights Policy	X	
Abuse and Neglect Policy	X	

VIII. PROCEDURES

A. Rules and Procedures Regarding Personal Property

<u>WHO</u>	<u>DOES WHAT</u>
Supported Living Services Provider or Director/designee of other group setting	<ol style="list-style-type: none"> 1. Shall provide a reasonable amount of storage space for each recipient's clothing and other personal property. 2. Shall insure recipient's unimpeded access to his/her own clothing and other personal property unless a restriction is necessary, which shall be applied in accordance with procedures in the policy <u>Limitation of Rights</u>. 3. May adopt exclusions of particular kinds of personal property. Exclusions shall include but are not limited to: <ol style="list-style-type: none"> a. Weapons such as firearms, knives, other sharp objects and explosives b. Drugs, whether prescribed or not, unless possession of the drug is specifically authorized by the recipient's physician. c. Alcoholic beverages unless authorized in the Individual Plan of Service or in program policies and procedures. 4. When adopting exclusions of particular kinds of personal property, lists the specific items excluded in House Rules or rules for other group settings in accordance with procedures in the policy <u>Limitation of Rights</u>. House Rules or rules for other group settings must be in writing and posted in the supported living or other group setting. 5. May search a recipient and/or his/her personal property if there is reasonable cause to suspect that a recipient possesses an excluded item, but only under the following conditions: <ol style="list-style-type: none"> a. A search may be conducted only with prior approval from the Assigned Program Staff unless there appears to be imminent danger to the recipient or others due to suspected presence of an excluded item. b. If there appears to be imminent danger to the recipient or others, appropriate emergency measures may be taken prior to contacting the Assigned Program Staff. c. Recipient shall be given an explanation regarding the need for a search. d. Two staff shall be present for any search. If a search of

the recipient's person is necessary, a staff of the same sex as the recipient shall be present.

- e. A recipient shall have the right to remain present during a search of his/her personal property.
- f. A justification for any search shall be documented in the recipient's clinical record.

- 6. A receipt shall be given to a recipient and an Individual designated by the recipient for any personal property taken for safekeeping. Any personal property taken for safekeeping shall be returned to the recipient when s/he leaves the program.
- 7. May impose an individual limitation of rights limiting access to property in order to prevent theft, loss or destruction of the property, unless a waiver is signed by the recipient, or to prevent physical harm to the recipient or others, following procedures in the policy, Limitation of Rights.

Assigned Program Staff

- 1. Guided by the condition and/or behavior of the recipient, determines if an individual limitation on the right to receive, possess or use personal property is essential. Follows procedures in the policy, Limitation of Rights.

Recipient/guardian/parent of a minor

- 1. May appeal a limitation of the right to receive, possess or use personal property and/or its expiration date either verbally or in writing to the Program Manager and then to the Director.

B. Rules and Procedures Regarding Personal Funds

WHO

DOES WHAT

Supported Living Services Provider or Director/designee of other group setting

- 1. Ensures that recipients have maximum control over and choice in the utilization of their personal funds.
- 2. Restrictions on access to or choice in use of funds may only be made where there is a demonstrated inability to manage personal funds. If the Assigned Program Staff and other relevant clinical staff determine that a limitation on the right to receive, possess or use personal funds is essential, the procedures in the policy, Limitation of Rights, shall be followed. Facilitated choice shall be incorporated into services planning where appropriate as well as steps to increase recipient's ability to manage and access funds.
- 3. A denial of access to, and the ability to spend funds when such a limitation is essential to prevent an unreasonable and significant dissipation of assets shall be limited to a maximum period of 60 days, after which the Assigned Program Staff

shall initiate steps to obtain a representative payee or guardian of estate.

4. Shall not impose any blanket "allowance" policies which routinely restrict or structure recipients' access to, or spending of, personal funds. Disbursement of funds in the form of a fixed allowance may be instituted only at the request of the recipient, payee or guardian, following procedures in the policy, Limitation of Rights.
5. Shall not charge for any items, activities or services included in the basic cost of care or program budget, or which have otherwise been defined as routinely reimbursable by the CMHPMS.

These include:

- a. Housing
 - b. Food
 - c. Medication
 - d. Personal consumables such as toiletries, toothpaste, toothbrushes, toilet paper, deodorant, shaving supplies, shampoo, although recipients may elect to purchase items in addition to or beyond those covered under cost of care.
 - e. Cost of admission to events, although recipients may contribute to the cost of admissions if it is clearly their choice to attend or participate. Recipients may never be requested to contribute toward the cost of staff admissions or food.
6. Shall follow guidelines below when assisting a recipient to make a purchase:
 - a. The cost of an item or service to be purchased with personal funds must not exceed the amount that the recipient has available through the personal allowance portion of entitlement or other income.
 - b. Unless specifically selected by the customer, a therapeutic benefit must be evident to justify the purchase of a higher cost item when a more economical, comparable alternative is available.
 - c. Items or services to be purchased must be appropriate to the individual's level of mental comprehension, physical dexterity and sense of discrimination. The recipient must be able to use, appreciate, or benefit from the item or service being considered.
 - d. Items of a medical/surgical nature must be coverable through insurance, benefits, cost of care or by policy through CMHP, and must have been certified by a medical or psychiatric professional as having a justified, therapeutic purpose. Recipients shall contribute toward the cost of medical services or equipment after all

insurance sources have been exhausted, contributing an amount which does not deplete their personal funds below \$100. CMHPSM policies on pre-approval for medical services/expenses shall apply.

7. Shall institute a system of internal controls to minimize the possibility of misuse of recipient funds. Policies shall include, at a minimum, the following elements:
 - a. Separate, interest-bearing bank accounts are to be maintained for each customer. All recipient funds are to be deposited into, and withdraw from, this account.
 - b. The provider shall obtain written authorization from the recipient, payee or guardian for regular transfer of personal allowance monies to the house account from the recipient's bank account.
 - c. The CMH-3815, Client Account Record (CAR), is to be completed monthly for all recipients residing in licensed settings and for individuals receiving in-home supports for whom the provider agency handles finances. The Client Account Record shall detail all deposits and disbursements from the recipient's account, and account for the change in the recipient's cash balance from the beginning of the month to the end of the month. All disbursements are to be supported by receipts which are to be attached to the Client Account Record. A mechanism for recording and substantiating the disbursement of cash to the recipient is required, which shall include a signed receipt and safe guards to assure accuracy when disbursing cash to recipients with limited math skills.
 - d. A monthly cash audit is required, including a mechanism for reporting discrepancies on audit or observation and for maintaining documentation.
 - e. Submits the Client Account Record to the designated Fiscal/Reimbursement staff by the fifth working day of the month for the previous month.

Designated
Fiscal/Reimbursement Staff

1. Reviews Client Account Record for mathematical accuracy, working directly with the Services Provider to resolve any mathematical discrepancies. Updates the client financial record as needed. Notifies Fiscal Officer of any unresolved accounting errors. Forwards to Supports Coordinator/ Client Services Manager within two weeks of receipt.

Assigned Program Staff

1. Reviews Client Account Record for appropriateness of expenditures, taking individual recipient characteristics into account.
2. Reviews questionable items with provider/designee and refers any unresolved items to Fiscal Officer.

Designated
Fiscal/Reimbursement Staff

1. Reviews questionable items and makes a determination regarding appropriateness in consultation with Program Administrator.
2. Arranges for, or conducts, audits of recipient personal fund accounts, fiscal reviews and compliance audits as indicated.

Supported Living Services
Provider

1. Submits policies regarding management of recipient funds to the Program Manager/Designee as an attachment to the Residential Services contract.
2. Shall define, by job title, personnel authorized to make determinations regarding the appropriateness of an expense. Policies shall define the dollar limit for such authority.
3. Consultation with the Assigned Program Staff shall occur prior to incurring an expense when the provider is uncertain about the appropriateness of an expense.
4. Shall train all responsible personnel regarding proper management of recipient funds.