

COPPER COUNTRY MENTAL HEALTH SERVICES BOARD

POLICY AND PROCEDURE

DATE: April 24, 2019 Resident Property...P4

RESCINDS: April 24, 2013

CATEGORY: Recipient Rights

SUBJECT: Resident's Property and Funds

POLICY: It is the policy of Copper Country Mental Health Services Board (CCMHS) to handle resident's property and funds in accord with the conditions required by the Mental Health Code, Administrative Rules, Licensing Rules for Adult Foster Care Group Homes and the Home and Community Based Rules.

PURPOSE: To define procedures for use, receipt, handling and disposition of resident property and funds.

DEFINITIONS:

RESIDENT: A person who lives in and receives services in a group home operated by CCMHS or by a provider under contract with CCMHS.

PROCEDURE:

- I. The following items of personal property are excluded from resident possession in all Agency Group Homes.
 - A. Weapons, such as firearms, knives, or explosives.
 - B. Illegal substances and drugs.
- II. In the event there is reasonable cause to believe a resident is in possession of an item that is excluded, unlawful or poses a health or safety risk to the resident or others, a search may be conducted in compliance with the Mental Health Code. Justification for a search shall be documented in the resident's record. An official receipt shall be issued to the resident and an individual designated by the resident and recorded in the resident's record for items of personal property taken into the possession of the facility. In other than emergency circumstances, a search shall require the approval of the Team Leader or Client Services Manager.
- III. Residents are entitled to receive, possess and use all other personal property, including clothing, except under the following conditions:

- A. The Individual Plan of Service may limit rights to personal property in order to prevent:
 - 1. Theft, loss, or destruction of the property unless a waiver is signed by the resident and/or guardian. All conditions of the HCBS Final Rule must be met in addition.
 - 2. Resident from physically harming himself or others.
- B. As required by the HCBS Final Rule and Mental Health Code, any effort to limit access to property or funds, must be:
 - 1. justified by a specific and individualized assessed health or safety need;
 - 2. the minimum limitation necessary to address the need;
 - 3. addressed through the PCP process;
 - 4. determined with the participation of the recipient and the recipient's family, if at all possible;
 - 5. fully explained to the recipient and the recipient's family by the client service manager before implementing the restriction or limitation;
 - 6. approved by the Behavior Treatment Committee;
 - 7. removed when the circumstance that justified its adoption ceases to exist; and is
 - 8. subject to appeal by the resident or another person on the resident's behalf by filing a Recipient Rights complaint.

The following requirements must be documented in the IPOS when a specific health or safety need warrants such a limitation:

- 1. The specific and individualized assessed health or safety need.
- 2. The positive interventions and supports used prior to any modifications or additions to the PCP regarding health or safety needs.
- 3. Documentation of less intrusive methods of meeting the needs, that have been tried, but were not successful.
- 4. A clear description of the condition that is directly proportionate to the specific assessed health or safety need.
- 5. A regular collection and review of data to measure the ongoing effectiveness of the modification.

6. Established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
 7. The date of expiration.
 8. Informed consent of the person to the proposed modification.
 9. Assurance that the modification itself will not cause harm to the person.
- IV. Items of personal property not subject to an exclusion or limitation shall be permitted to remain with the resident.
- A. Residents shall be provided a reasonable amount of storage space for clothing and personal property.
 - B. Residents are permitted to inspect personal property at reasonable times.
- V. Resident Funds - It is recommended all money which is on the person of a resident or which comes to a resident be turned over to the facility for safe keeping.
- A. The money shall be accounted for in the name of the resident and recorded periodically in the records of the resident.
 1. Resident funds will be reconciled monthly.
 2. The resident or guardian will be provided an annual accounting of resident funds.
 - B. All resident funds, including bank accounts, shall be kept separate and apart from all funds and monies of the facility. Interest and dividends earned on resident funds shall be credited to the resident.
 - C. Residents shall have access to and use of personal funds that belong to them in reasonable amounts, including immediate access of funds up to \$20.00.
 - D. Staff may take an active role in guiding a resident's use of funds, but there shall not be a prohibition of use of funds, for legal purchases.
- VI. Disposition of property or funds on discharge.
- A. On discharge, the facility shall deliver to the resident or designated representative those funds accounted for in the resident's name and any personal effects, including those in storage.

- B. Upon the death of a resident, the following shall be implemented:
1. A list of personal effects or monies being held by the Agency shall be sent to the nearest relative by registered mail and to the probate court with a statement calling attention to statutes providing for disposition.
 2. If there are questions as to rival claims to personal effects or monies, property may be held by the Agency until claims are determined in a probate court.
 3. If the nearest relative cannot be contacted, the Agency shall send by registered mail, to the person or entity who paid the funeral expense, a list of personal effects or monies being held by the Agency and a statement calling attention to statutes providing for disposition.

- CROSS REFERENCE:
1. CCMHS Policy - Adult Foster Care Home Refunds
 2. CCMHS Policy - Behavior Treatment Committee
 3. Mental Health Code Section 728, 730, 732
 4. Administrative Rules 7139
 5. Adult Foster Care Licensing Rules
 6. Home and Community Based Services Final Rule