

**WEST MICHIGAN COMMUNITY MENTAL HEALTH
ADMINISTRATIVE MANUAL**

		Chapter: 5	Section: 2	Subject: 7
CHAPTER: Recipient Rights				
SECTION: Recipient Rights in All CMH Settings				
SUBJECT: Recipient's Property and Funds				
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- I. **PURPOSE:** To establish policy and procedures governing the control and protection of recipients' personal property and funds.
- II. **APPLICATION:** All programs and services operated by or under contract with the West Michigan Community Mental Health Governing Body.
- III. **REQUIRED BY:** Act 258, Public Acts of 1974, as amended, being MCL 330.1728 and 330.1730 and DHHS Administrative Rules R. 330.7009.
- IV. **DEFINITIONS:**
 1. **Exclusion:** Restriction of specific personal property items from a service recipient which may include:
 - 1.1 Weapons such as firearms, knives, other sharp objects and explosives.
 - 1.2 Drugs, whether prescribed or not, unless possession of the drug is specifically authorized by the attending physician.
 - 1.3 Alcoholic beverages.
 2. **House Guidelines:** Reasonable guidelines applying to all residents of a home, which are established in conjunction with the residents to assist with safety and comfort of recipients and the orderly functioning of the home.
 3. **Limitation:** A time-limited restriction placed on a service recipient.
 4. **Personal Property:** Any possessions belonging to the service recipient.
 5. **Service Recipient Funds:** The recipient's money, legal tender, note, draft, certificate of deposit, stock, bond, check, or credit card.
- V. **POLICY:** It is the policy of the West Michigan Community Mental Health that a recipient is entitled to receive, possess and use all personal property, except under the following conditions:
 1. To prevent the service recipient from physically harming himself/herself or others.
 2. To prevent theft, loss or destruction of property.

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VI. PROCEDURES:

1. Service recipients whose property and funds are supervised by a CMH program or contract agency shall have their personal property inventoried. Any additional property obtained or disposed of while a service recipient is in residential care or as stated per their Individual Plan of Service (Person Centered Plan) shall also be inventoried.
2. A service recipient in residential care shall be provided a reasonable amount of storage area for his/her clothing and personal property.
3. Recipients of service shall assume responsibility for their own funds, unless there is a legal determination to the contrary or the recipients choose to do otherwise.
4. Restrictions shall not be placed upon the recipient's handling or expenditure of personal funds, unless there is a specific written plan developed by the support team.
5. Personal allowance funds shall not be used for personal care items that are basic to the provision of room, board and supervision and are included in the per diem provided for room, board and supervision required by licensing standards (e.g. shampoo, toothpaste, soap, food).
6. Service recipient's personal property:
 - 6.1 If a facility has particular kinds of personal property that are excluded, the home operator/manager shall list the specific items and notify the recipient of these exclusions at the time of admission. Posting of notice regarding exclusions of personal property shall be posted in the residential unit(s) or facility.
 - 6.2 Procedures shall be developed by each facility whereby a service recipient who is suspected of possessing an excluded or limited item may be searched. At a minimum, these procedures shall include documentation of justification of the search, type of search and authorization of the search.

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- 6.21 Searches of a service recipient's property and living area shall occur in the presence of at least one witness. The service recipient shall be present unless he or she declines.
- 6.22 Documentation in the record of a service recipient who is subjected to a search shall include reason for initiating the search, type of search (person, property or living area); who authorized the search; who conducted the search; and the results witnessed of the search, including a description of the property seized and its disposition.
- 6.3 Staff members shall inventory the service recipient's personal property in his/her presence utilizing an Inventory Form and place it in the service recipient's record. A receipt shall be issued to the recipient and to a designated individual by the resident for any personal property taken for safe keeping by the facility and returned to the service recipient to whom it belongs to upon discharge from the facility/program. The recipient shall also be allowed to inspect his/her personal property taken for safe keeping at reasonable times.
- 6.4 The facility/program shall have prior consent from the service recipient, guardian or parent of a minor when disposing of personal property. This form shall be placed in the service recipient's clinical record.
- 6.5 The Support Team shall have the authority to limit a service recipient's right to receive, possess and use personal property under the following conditions:
- 6.51 To prevent the service recipient from physically harming himself/herself or others; and
- 6.52 To prevent theft, loss or destruction of property unless a waiver is signed by the service recipient.
- 6.6 Service recipients whose personal property is limited shall have each instance of limitation and justification for its application documented in the progress notes. The imposed limitation shall also be incorporated into the service recipient's Person Centered Plan with approval of the Behavior Treatment Committee (BTC) and reviewed every 90 days or more frequently by BTC if necessary by the Support Team utilizing the Periodic Summary. The Support Team shall discuss the service recipient's progress or lack of progress and determine if the limitation still needs to be imposed.

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7. Service Recipient's Funds:

- 7.1 The service recipient's choice to handle his/her funds shall be documented in his/her initial/annual assessment. If the recipient is unable to exercise choice and provider management is requested, the guardian must consent in writing.
- 7.2 The facility/program to whom the service recipient funds that are submitted to for safekeeping shall implement the following:
 - 7.21 The provider shall both maintain the funds and account for their disbursements separate from funds received for reimbursement for care and program. Funds shall be used at the discretion of the service recipient, representative payee or guardian.
 - 7.22 The money shall be accounted for in the name of the service recipient;
 - 7.23 The money shall be locked at the facility/program site and/or deposited into the service recipient's savings/checking account;
 - 7.24 Each time money is given to the service recipient, it shall be documented on a ledger and the service recipient shall write his/her initials on the ledger to indicate that he/she received the money. If the individual is not capable of handling his/her own money without assistance, a staff member different from the staff disbursing the money shall initial the ledger;
 - 7.25 A designated staff member shall count the service recipient's money periodically to ensure that the money on hand is the same as what is recorded in the ledger;
 - 7.26 The service recipient's financial record/money shall be made available on request to his/her legal guardian if the guardian has such authority; and
 - 7.27 The service recipient shall be entitled to easy access to his/her money and to use as he/she chooses. Each program shall determine what time of day service recipients can have access to their money and inform the service recipients of the times.

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7.28 The WMCMH Care Manager will routinely monitor the recipient's financial record/money during their visit. The provider will allow access to the WMCMH Care Manager for this purpose.

8. Service recipients may appeal the limitation of length of time his/her property and/or funds have been restricted.
 - 8.1 If the service recipient appeals the personal property limitation, he/she shall submit a verbal or written statement to the Care Manager. The Care Manager shall place the original statement in the service recipient's clinical file and submit a copy to his/her supervisor.
 - 8.2 The Care Manager's supervisor shall review the appeal within five (5) working days and determine if the imposed limitation is justified or not.
 - 8.3 If the service recipient does not agree with the decision made by the Care Manager's supervisor, he/she may appeal to the Deputy Director of Clinical Services or designee. The Deputy Director of Clinical Services or designee shall review the appeal within five (5) working days and determine if the imposed limitation is justified or not.
 - 8.4 The service recipient shall be informed that he/she can file a complaint with the Recipient Rights Office if he/she feels that his/her right to personal property has been violated.

9. Disposal of resident personal property and funds:
 - 9.1 In the event of death of a service recipient:
 - 9.11 Every effort shall be made by WMCMH to divest itself from the service recipient's personal property and monies if they consist of only wearing apparel and up to \$100.00 in cash. Divestment shall be to the spouse, child, or parent of the deceased. The relative shall furnish identification and an affidavit of such relationship, and evidence that an estate of the deceased is not pending. If such relatives do not exist, and only if the personal property consists of more than \$100.00, the disposition shall be handled in accordance with paragraph (9.3).

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- 9.12 The Care Manager shall send a list of personal property and money by registered mail to the nearest relative of the deceased. The notice shall also call attention to statutes that provide for disposition.
- 9.13 If there are questions as to rival claims to personal property and money, it may be held by WMCMH until the claims are determined in a probate court.
- 9.14 If the nearest relative cannot be contacted, the Care Manager shall send a list of the personal property and money, by registered mail, to the person or entity who paid for the funeral expenses.
- 9.15 If there are no claims to personal property or money of a deceased service recipient, the property and money shall be considered to be unclaimed (See paragraph 9.3).
- 9.2 If the service recipient does not return from an authorized leave, and if the service recipient's property and money are not claimed by the service recipient or service recipient's relatives, heirs, or personal or legal representative, the Care Manager shall retain custody of the same and handle the matter as unclaimed property (See paragraph 9.3).
- 9.3 If personal property or money of a service recipient is unclaimed and has been held for two (2) years, the property or money shall be disposed of pursuant to Act No. 63 of the Public Acts of 1949, as amended, being 567.20 et seq. of the Michigan Compiled Laws. Delivery of property and a report to the state board of escheats shall be on or before the thirtieth day of June each year. The report shall list the property possessed as of the preceding first day of June. Appropriate property may be disposed of before the end of the two year period pursuant to Act No. 238 of the Public Acts of 1957, being 434.151 et seq. of the Michigan Compiled Laws.

VII. **SUPPORTING DOCUMENTS:** None

