


CHAPTER Service Delivery	CHAPTER 02	SECTION 004	SUBJECT 50
SECTION Clinical and Support Services		DESCRIPTION Property and Funds of Persons Served	
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APPLICATION:

<input checked="" type="checkbox"/> CMH Staff	<input type="checkbox"/> Board Members	<input checked="" type="checkbox"/> Provider Network	<input checked="" type="checkbox"/> Employment Services Providers
<input type="checkbox"/> Employment Services Provider Agencies	<input checked="" type="checkbox"/> Independent Contractors	<input checked="" type="checkbox"/> Students	<input checked="" type="checkbox"/> Interns
<input checked="" type="checkbox"/> Volunteers	<input checked="" type="checkbox"/> Persons Served		

POLICY:

Lapeer County Community Mental Health (LCCMH) persons served by contracted facilities are entitled to receive, possess, and use all personal property unless limited by law or limited in the Individual Plan of Service (IPOS). In addition, each contracted facility will ensure money of the person served be safeguarded against theft, loss, or misappropriation.

STANDARDS:

PROPERTY:

- A. Each contracted facility will provide a reasonable amount of storage to each person served for their clothing and other personal property. The person served will be permitted to inspect personal property.
- B. When the contracted facility adopts exclusions of particular kinds of personal property, it will list the specific items excluded and will notify persons served of these exclusions at the time of admission. All exclusions will be in writing, and include the following
 - 1. Weapons, such as firearms, knives, and other sharp objects, or explosives;

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2. Drugs, whether prescribed or not, unless possession of the drug is specifically authorized by the attending physician;
 3. Contraband (anything that has been obtained illegally), or items suspected of being stolen.
- C. If an illegal item is suspected, law enforcement may be contacted to conduct a search.
 - D. The limitation of property will be justified and documented in the IPOS and reviewed by the Behavior Treatment Plan Review Committee (BTPRC).
 - E. A receipt will be given to a person served and an individual the person served designates, for any personal property taken into possession by the facility for safekeeping. Any personal property in the possession of a facility at the time the person served is released will be returned to the person served or their guardian. The items should be returned to the person served the day they are discharged.
 - F. Personal property of persons served will not be used as community property. If the person served voluntarily agrees to an exception, written informed consent will be obtained and filed in the record of the person served. If there is a guardian, consent from the guardian is also required.

FUNDS:

- A. A person served will have access to a minimum of twenty dollars to use as desired and in accordance with guidance from their guardian or representative payee, as long as the person served has funds available.
- B. A provider will assure that money placed in an account for a person served is safeguarded against theft, loss, or misappropriation. The provider will ensure money is stored in a locked box, locked room, or a safe. Each person served will have a completed funds and valuables sheet, documenting room and board payments, money in savings, and cash on hand. A receipt must be attached for each purchase.
- C. Pooling of funds of persons served is prohibited, except for group activities, with the consent of the person served or guardian if applicable.

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- D. The guardian must approve any major purchases. If a guardian has not been assigned and the facility is the payee, the mental health professional assigned to the case should be consulted. Major purchases would include anything that will be designated for home use by all persons served and any furniture, trips, or electronic equipment.
- E. There should be NO financial arrangements between a staff person and the person served. This includes the following:
 - 1. Staff bringing in fundraiser items to sell to persons served, (i.e. selling candy bars, Avon, Girl Scout cookies, magazine subscriptions, etc.);
 - 2. Staff or persons served selling items to each other;
 - 3. Staff providing a service to a person served and getting paid for it, (i.e. haircuts, sewing or repairing clothes);
 - 4. Persons served doing a chore or service for a staff person and getting paid when it is not an area addressed in the IPOS.

PROCEDURES:

EXCLUSIONS:

- A. The mental health provider will notify persons served of excluded items prior to admission.

SEARCHES:

The mental health professional, residential home manager/home supervisor or designee will:

- A. Determine there is justification to conduct a search, i.e. reasonable cause to believe a person served possesses an excluded item.
- B. Notify the person served what item they are suspected of possessing and offer the person served an opportunity to voluntarily produce the item without a search.

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- C. Conduct a search for the suspected item in the presence of the person served and another witness (such as staff or guardian). The witness will not be another group home resident or person served.
- D. Document the justification for the search in the record of the person served. This justification should include the date, time, reason, the names of those performing and witnessing the search, and the results, including a description of the property seized.

LIMITATIONS:

- A. The mental health professional in charge of the IPOS may limit personal property rights if limitation is essential for one of the following reasons:
 - 1. In order to prevent the person served from physically harming themselves or others;
 - 2. In order to prevent theft, loss, or destruction of the property unless a waiver is signed by the person served.
- B. Any restrictions or limitations must be presented and approved by the BTPRC BEFORE the restriction or limitation can be implemented. Approval from the guardian, if one has been appointed, is needed.
- C. The mental health professional will explain the limitation to the person served, parent of a minor recipient, or authorized guardian and place the following documentation in the record of the person served:
 - 1. The specific limitation;
 - 2. The justification for its adoption;
 - 3. The date it expires;
 - 4. The date the explanation was given;
 - 5. Notification of the appeal process;
 - 6. Review the limitation annually and remove it when circumstances justifying its adoption cease to exist;

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7. Notify the person served of the removal of the limitations.
- D. If the plan restricts or limits the rights of the person served, the plan will include documentation, which describes attempts made to avoid the restrictions, and actions to take as part of the plan to ameliorate or eliminate the need for the restrictions in the future according to the Home and Community Based Rules. Restrictions must follow the Behavior Treatment Plan Policy 02.004.35.
- E. If the guardian requests a restriction or limitation or the person served and/or guardian do not agree with the limitation, the supervisor or treatment team, in consultation with the (BTPRC) will conduct a review or a complaint can be filed with the Recipient Rights Officer.

DEFINITIONS:

Ameliorate: to make better or more tolerable.

Facility: A licensed residential setting under contract with Lapeer CMH for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or development disability.

Home and Community Based Services Rule (HCBS): The HCBS Final Rule aims to improve the quality of the lives of individuals, allowing them to live and receive services in this least restrictive setting possible will full integration in the community.

Limitations: Constraint of a right for an individual person served within the provisions of the Mental Health Code or Administrative Rules.

Restrictive Techniques: Those techniques which, when implemented, will result in the limitation of the individual's rights as specified in the Michigan Mental Health Code and the Federal Balanced Budget Act. Examples of such techniques as limiting or prohibiting communication with others when the communication would be harmful to the individual; prohibiting unlimited access to food when that access would be harmful to the individual (excluding restrictions for weight control or medical purposes); using the Craig (or veiled) bed, or any other limitation of the freedom of movement of an individual. Use of restrictive techniques requires the review and approval of the Committee.

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REFERENCES:

Michigan Mental Health Code
Administrative Rules

LKJ:mgr

This policy supersedes
#10/09034 dated 10/02/2009.
