

PATHWAYS CMH

POLICY TITLE: PERSONAL PROPERTY AND FUNDS	CATEGORY: RECIPIENT RIGHTS	
EFFECTIVE DATE: July 6, 2007	BOARD APPROVAL DATE: July 6, 2007	
REVIEW DATE: December 30, 2019	REVISION(S) TO POLICY STATEMENT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OTHER REVISION(S): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
RESPONSIBLE PARTY: Recipient Rights Supervisor or Designee	CEO APPROVAL: Mary J. Swift, CEO	

APPLIES TO:

Employees, volunteers and contractual providers of Pathways CMH

POLICY:

It is the policy of the Board that recipients are entitled to receive, possess, and use all personal property and funds unless limited by law or house rules, or limited in the individual plan of service.

The following standards for recipients not in a licensed setting shall be adhered to:

- A. The right to receive, possess and use personal property, shall not be limited except as what may be done by court order or through person centered planning and a behavior plan that has been approved by the Behavior Treatment Committee. The limitation shall be preceded by justification and documentation of the circumstances which indicate that a limitation is the minimal essential step to either:
 - 1. Prevent Theft, loss or destruction of the property, unless a waiver is signed by the recipient, guardian or parent of a minor;
 - 2. Prevent the recipient from physically harming himself, herself, or others.
- B. The recipients' primary clinician will:
 - 1. Explain the need for the limitation to the recipient, parent of a minor or guardian and assure that the following documentation is in the recipient's record:
 - a. the specific limitation;
 - b. the justification for its adoption;
 - c. the date it expires;
 - d. the date the explanation was given.
 - 2. Review the limitation at least annually and remove it when the circumstance that justified its adoption ceases to exist;
 - 3. Notify the recipient, parent of a minor, or guardian of the removal and amend the IPOS.

The following standards for residents of licensed settings shall be adhered to:

- A. Each facility shall provide a reasonable amount of storage to each resident for his or her clothing and other personal property. The resident shall be permitted to inspect personal property at reasonable times.
- B. When the facility adopts exclusions of particular kinds of personal property, it shall list the specific items excluded and shall notify the residents, and/or guardian, and parents of a minor, of these exclusions at the time of admission. All exclusions shall be officially adopted, shall be in writing, and shall be posted in the facility. Exclusions may be appropriate to the mental or chronological age of residents, and may include the following:
 - 1. Weapons, such as firearms, knives, and other sharp objects, or explosives;

2. Drugs, whether prescribed or not, unless possession of the drug is specifically authorized by the attending physician;
 3. Alcoholic beverages.
- C. A resident's property or living area shall not be searched by a provider unless such a search is authorized in the resident's plan of service or there is reasonable cause to believe that the resident is in possession of contraband or property that is excluded from the resident's possession by written policies, procedures, or rules of the provider. The following conditions apply to all searches conducted by the provider:
1. A search of the resident's living area or property shall occur in the presence of a witness. The resident shall also be present unless he or she declines to be present;
 2. The circumstances surrounding the search shall be entered in the resident's record, and shall include all of the following:
 - a. The reason for initiating the search;
 - b. The names of the individuals performing and witnessing the search;
 - c. The results of the search including a description of the property seized.
- D. The right to receive, possess, and use personal property may only be limited if the limitation is the minimal essential step to either:
1. Prevent theft, loss, or destruction of the property, unless a waiver is signed by the resident, guardian or parent of a minor;
 2. Prevent the resident from physically harming himself, herself, or others.
- E. Any proposed limitation for behavior control purposes must be reviewed and formally approved by the Behavior Treatment Management Committee.
- F. The residents' primary clinician will:
1. Explain the need for the limitation to the recipient, parent of a minor or guardian and assure that the following documentation is in the resident's record:
 - a. the specific limitation;
 - b. the justification for its adoption;
 - c. the date it expires;
 - d. the date the explanation was given.
 2. Notify the resident, parent of a minor, or guardian of the removal and amend the IPOS.
 3. Review the limitation at least annually and remove it when the circumstance that justified its adoption ceases to exist;
- G. The resident, parent of a minor, or guardian shall be informed of their rights under Pathways Appeals/Grievance procedure.
- H. Personal belongings of residents shall not be used as community property. If the resident, parent of a minor, or guardian voluntarily agrees to an exception, written informed consent shall be obtained and filed in the resident's record.
- I. A receipt shall be given to a resident, parent of a minor, or guardian and an individual designated by the resident, for any of his or her personal property taken into the possession of the facility for safekeeping. The resident, parent of a minor, or guardian shall be permitted to inspect the personal property at reasonable times. Any personal property in the possession of a facility at the time the resident is released shall be returned to the resident, parent of a minor, or guardian.
- J. Each resident's funds, including bank accounts, shall be individually maintained and kept separate from other funds of the provider. An accurate accounting of each resident's funds, including revenues and expenditures, shall be maintained.
- K. A resident shall have easy access to his or her money to use as desired and in accordance with guidance from an authorized guardian or representative payee.
- L. A provider shall not accept, take, or borrow money or valuables from a resident, even with the consent of the resident.

PURPOSE:

To protect the rights of recipients

DEFINITIONS:

Facility

A residential facility for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or developmental disability that is either a state facility or a licensed facility.

Limitations

Constraint of a right for an individual recipient within the provisions of the Mental Health Code and Administrative Rules.

Primary clinician

The staff member in charge of implementing the recipient's plan of service.

Reasonable times

Hours of the day that does not tax the effective functioning of the facility.

REFERENCES:

Act 258 of the Public Acts of 1974, as amended (Mental Health Code), Sections 100b, 728
Department of Community Health Administrative Rule 7009; Licensing Rules for Adult Foster Care
Small Group Homes (R400.14315)

HISTORY:

Dates Reviewed: May 2008; April 2011; July 11, 2013; July 11, 2014; May 5, 2015; April 1, 2016; April 1, 2017; March 26, 2018; December 30, 2019

Dates Revised: May 2011; July 11, 2013

Dates Approved: July 6, 2007

PROCEDURES:

Exclusions

1. The primary clinician will notify individuals of excluded items prior to admission.
2. The home manager will:
 - a. Include exclusions in house rules;
 - b. Post a written copy of the house rules in an area that is accessible by residents, parent of a minor, or guardian and provide a copy if requested.

Searches

The primary clinician, home manager, or designee will:

1. Determine that there is justification to conduct a search;
2. Notify the resident what item he or she is suspected of possessing and offer the resident an opportunity to produce the item voluntarily without a search;
3. Conduct a search for the suspected item in the presence of the resident and another witness;
4. Document the justification for the search in the resident's record.

Limitations

1. Personal property rights may be limited if each limitation is essential for one of the following purposes:
 - a. In order to prevent theft, loss, or destruction of the property, unless the resident, parent of a minor, or guardian signs a waiver;
 - b. In order to prevent the resident from physically harming himself, herself, or others.

Appeals

If the resident, parent of a minor, or guardian disagrees with a limitation or the expiration date of a limitation, the clinician will provide them with information on the Local Appeal Process. The resident, parent of a minor, or guardian may also file a complaint with the Office of Recipient Rights.