

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:

☒ CMH Staff	☐ Board Members	☒ Provider Network	☒ Employment Services Providers
☐ Employment Services Provider Agencies	☒ Independent Contractors	☒ Students	☒ Interns
☒ Volunteers	☒ Persons Served		

POLICY:

Lapeer County Community Mental Health (LCCMH) assures persons served by provider agencies 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 provider ensures money of the person served is safeguarded against theft, loss, or misappropriation.

STANDARDS:**A. PROPERTY:**

- Each provider provides a reasonable amount of storage to person served for their clothing and other personal property. Person served are permitted to inspect personal property at reasonable times.
- When a provider adopts exclusions of particular kinds of personal property, it lists the specific items excluded and notifies persons served of these exclusions at the time of admission. All exclusions are in writing, and include the following:
 - Weapons, such as firearms, knives and other sharp objects, or explosives

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b. Drugs, whether prescribed or not, unless possession of the drug is specifically authorized by the attending physician

c. Contraband (anything that has been obtained illegally), or items suspected of being stolen

3. If an illegal item is suspected, law enforcement may be contacted to conduct a search.
4. The limitation of property is justified and documented in the IPOS and reviewed by the Behavior Treatment Plan Review Committee (BTPRC).
5. Receipts are given to the person served and to an individual the person served designates for any personal property taken into possession by the provider for safekeeping. Any personal property in the possession of a provider at the time the person served is released is returned to the person served or their guardian on the day they are discharged.
6. Personal property of persons served is not used as community property. If person served voluntarily agrees to an exception, written informed consent is obtained and filed in the record of the person served. If there is a guardian, consent from the guardian is also required.

B. FUNDS:

1. Persons served have access to a minimum of \$20 to use as desired and in accordance with guidance from their guardian or representative payee, as long as the person served has funds available.
2. The provider assures money placed in an account for a person served is safeguarded against theft, loss, or misappropriation. The provider ensures money is stored in a locked box, locked room, or safe. Each person served has 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.

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3. Pooling of funds of persons served is prohibited, except for group activities, with the consent of the person served or guardian, if applicable.
4. The guardian must approve any major purchases. If a guardian has not been assigned and the provider is the payee, the primary case holder is consulted. Major purchases include anything designated for home use by all persons served and any furniture, trips, or electronic equipment.
5. There are not any financial arrangements between a staff person and the person served. This includes the following:
 - a. Staff bringing in fundraiser items to sell to persons served, (i.e., selling candy bars, Avon, Girl Scout cookies, magazine subscriptions, etc.)
 - b. Staff or persons served selling items to each other
 - c. Staff providing a service to person served and getting paid for it, (i.e., haircuts, sewing or repairing clothes)
 - d. 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:

A. EXCLUSIONS:

1. The mental health provider notifies persons served of excluded items prior to admission.

B. SEARCHES:

1. The property or the living area of the person served is not searched by a provider unless such a search is authorized in the plan of the person served and approved by the BTPRC or there is reasonable cause to believe that the person served is in possession of contraband or property that is excluded from possession of the person served by the written

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policies, procedures, or rules of the provider. When conducting searches of personal property the primary case holder, residential home manager/home supervisor or designee will:

- a. Determine there is justification to conduct a search, (i.e., reasonable cause to believe person served possesses an excluded item).
- b. Notify person served what item they are suspected of possessing and offer person served an opportunity to voluntarily produce the item without a search.
- 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 must 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 includes:
 - i. Reason for initiating the search
 - ii. Names of individuals performing and witnessing the search
 - iii. Results of the search, including a description of property seized

C. LIMITATIONS

1. The primary case holder may limit personal property rights if limitation is essential for one of the following reasons:
 - a. In order to prevent person served from physically harming themselves or others
 - b. To prevent theft, loss, or destruction of property unless a waiver is signed by person served.

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2. Limitations of property are justified and documented in the record of the person served.
3. 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 applicable, is needed.
4. The primary case holder explains the limitation to the person served, parent of a minor recipient, or authorized guardian and documents the following in the record of the person served:
 - a. Specific limitation
 - b. Justification for its adoption
 - c. Date it expires
 - d. Date the explanation was given
 - e. Notification of the appeal process
 - f. Review the limitation annually and remove it when circumstances justifying its adoption cease to exist
 - g. Notify person served of the removal of the limitations
5. If the plan restricts or limits the rights of the person served, the plan includes 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 LCCMH Policy 02.004.35 Behavior Assessment, Management, and Treatment Plans.

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6. 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, conducts 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 LCCMH 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 with 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, 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.

REFERENCES:

Administrative Rules
LCCMH Policy Behavior Treatment Plan Policy 02.004.35 Behavior Assessment,
Management and Behavior Treatment Plans
Michigan Mental Health Code

LKJ:lr

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