

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY  
POLICIES AND PROCEDURES MANUAL**

<b>Chapter: 3</b>	<b>Member Rights &amp; Responsibilities</b>		
<b>Section: 3</b>	<b>Rights of Consumers</b>		
<b>Topic: 10</b>	<b>Personal Property and Funds</b>		
<b>Page: 1 of 5</b>	<b>Supersedes Date:</b> Pol: 2-21-19, 8-18-16, 9-19-02, 8-15-02, 9-25-01 Proc: 7-1-19, 6-3-16, 15-09, 7-26-05, 8-15-02, 9-20-01, 7-15-99	<b>Approval Date:</b> Pol: 8-20-2020 Proc: 8-20-2020	<hr/> <i>Board Chairperson Signature</i>  <hr/> <i>Chief Executive Officer Signature</i>
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**Policy**

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that a recipient utilizing residential or CLS services is entitled to receive, possess, and use all personal property, including clothing, except for those items which could be prohibited through licensing rules including: weapons, drugs, drug paraphernalia, alcoholic beverages, and any items which violate federal, state or local laws. Recipients shall be afforded maximum control over and choice in the utilization of their personal funds. It is the policy that any BABHA or contracted staff that takes on the role to safeguard Recipient funds shall do so at all times.

Any exclusions of personal property to protect the health and safety of those living and/or working in the home shall be written and posted in each residential unit. Searches for excluded items should be conducted in accordance with BABHA’s Policy and Procedure, C03-S03-T0 – 7 *Personal Search*.

**Purpose**

This policy and procedure is established to ensure the rights of BABHA recipients in residential services to receive, possess, and use personal property and funds.

**Education Applies to**

- All BABHA Staff
- Selected BABHA Staff, as follows:
- All Contracted Providers:  Policy Only  Policy and Procedure
- Selected Contracted Providers, as follows:
  - Policy Only  Policy and Procedure
- BABHA’s (Affiliates):  Policy Only  Policy and Procedure
- Other:

**Definitions**

N/A

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**Procedure**

All recipients utilizing residential services or community living supports where staff are safeguarding the recipient’s personal property or funds are entitled to receive, possess, and use all funds and/or personal property, including clothing, except for those items prohibited (weapons, drugs, drug paraphernalia, alcoholic beverages, and any items which violate federal, state or local laws). Any exclusions of personal property shall be written and posted in each residential unit. Items of personal property, which are not subject to an exclusion of limitation, shall be permitted to remain with the resident and will remain that Individual’s responsibility. BABHA operated and contracted residential providers shall provide a reasonable amount of storage space to each resident for his/her clothing and other personal property.

Searches for excluded items should be conducted in accordance with BABHA’s Policy and Procedure, C03-S03-T09 - *Personal Search*. Those searches conducted on an emergency basis shall be documented using an Incident Report. A search procedure shall be justified as part of the team meeting process and documented in the recipient’s search and seizure record.

Additional limitations on the right to receive, possess, and use personal property and funds may be imposed by the person in charge of the recipient’s plan of service if such limitations are the minimum essential to: (1) prevent theft, loss or destruction of personal property and funds, unless a waiver is signed by the resident; (b) prevent the recipient from physically harming self or others. Any such limitation must be preceded by documentation of the circumstances, which indicate that the limitation is the minimal essential step to achieve one of the above stated allowable objectives. Such limitations are to be documented in the clinical record along with the date the limitation will expire. Any limitation imposed shall be removed when the circumstances which justified the limitation ceases to exist. A receipt shall be given to the recipient and his/her designee for any of his/her personal property that is taken into the possession of the provider. A recipient shall have the opportunity to inspect his/her property at reasonable times as set forth by the Individual Plan of Service (IPOS). A recipient may challenge any limitation on personal property by filing a complaint with the Recipient Rights Officer.

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Items such as bank accounts, stocks, bonds, insurance policies, and storage receipts shall receive immediate action so as to properly release the residential provider and BABHA from liability and provide appropriate protection of a residential consumer’s assets.

A provider, in conjunction with the Interdisciplinary Treatment Team, may require that all monies belonging to/intended for a recipient, or which the residential provider receives on behalf of the Recipient under a benefit arrangement or otherwise be turned over to the residential provider for safekeeping. Such monetary funds shall be accurately accounted for in the name of the recipient and recorded on an ongoing basis in the records of the resident. Funds accounted for in the name of a residential recipient may be deposited with a financial institution. Any earnings attributable to money in an account of a resident shall be credited to that account. Upon request, funds accounted for in the name of a recipient shall be turned over to a legal guardian of the recipient if the guardian has such legal authority.

A recipient may challenge any limitation on use of funds by filing a complaint with the Recipient Rights Officer.

Furthermore, staff shall not through fraud, deceit, misrepresentation, coercion or unjust enrichment obtain or use a recipient’s property or funds for the benefit of anyone other than the recipient. Theft of a recipient’s property or funds shall be reported to law enforcement. Provider Agencies shall reimburse a recipient for any discrepancies in recipient funds due to theft or error.

Any personal property in the possession of the provider at the time the resident to whom it belongs is discharged from the residential setting or the staff are no longer required to safeguard the personal property/funds shall be returned to the recipient.

In the event of the death of a recipient, every effort shall be made by the provider to divest itself of the resident’s personal effects and monies if the effects and monies consist of only clothing and up to \$100 cash. Divestiture shall be made to the spouse, child, or parent of the decedent providing the spouse, child, or parent furnishes identification and an affidavit of such relationship and that an estate of the decedent is not pending. The provider shall send a list of personal effects or monies being held by the provider to the nearest living relative by registered mail and to probate court and shall call attention to statutes that provide for disposition. If the nearest relative cannot be contacted, the residential provider shall send, by registered mail, to the person or entity that paid the funeral expenses, a list of articles being held by the provider and a

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statement which calls attention to statutes providing for disposition. If there are questions as to rival claims to personal effects or monies, property may be held by the provider or BABHA until the claims are determined in probate court.

If there are no claims to personal effects or monies of a recipient who has died, the properties or monies shall be considered to be unclaimed. If such properties or monies remain held for two years, the property or money shall be disposed of pursuant to Act No. 63 of the Public Acts of 1949, as amended. 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 last 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.

If a recipient leaves a residential setting without notice and cannot be located in the local community or neighboring communities by the recipient's case manager, and if the resident's property and money are not claimed by the resident, or the resident's relatives, heirs, or personal or legal representative, the residential provider or BABHA shall retain custody of the property and funds and shall handle them in the same manner as other unclaimed property.

**Attachments**

N/A

**Related Forms**

N/A

**Related Materials**

N/A

**References/Legal Authority**

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Department of Health and Human Services -Administrative Rules (AR 7009) Michigan Mental Health Code 330.1728, 730, 732, 752.

<b>SUBMISSION FORM</b>				
<b>AUTHOR/ REVIEWER</b>	<b>APPROVING BODY/COMMITTEE/ SUPERVISOR</b>	<b>APPROVAL/REVIEW DATE</b>	<b>ACTION (Deletion, New, No Changes, Replacement or Revision)</b>	<b>REASON FOR ACTION - If replacement list policy to be replaced</b>
Sara Heydens	Linda Maze	6/15/09	Revision	Title change from Community Living Director to CCPO
		12/31/12	No changes	Triennial Review
Melissa Prusi	Melissa Prusi	6/3/16	Revision	Triennial Review-updated titles, added detail to include accounting for protection/replacement of loss of funds and maximizing recipient control of funds
M. Prusi	C. Pinter	12/10/18	Revision	Updated Policy statement
Melissa Prusi	Christopher Pinter	07/01/2019	Revision	Triennial and annual review – minor changes to include CLS staff who safeguard the recipient’s property/funds.
Kevin Motyka	Melissa Prusi	7/1/2020	Revision	For clarity and better understanding. Policy statement revised.