CENTRA WELLNESS NETWORK

Board Adopted Procedure			
Procedure	03.23	**Policy Title: 03.00 Enrollee Rights**	
Effective Date: 1/13/2011		**Subject: Personal Property and Funds – Resident Rights in Specialized Residential Settings**	
Review Cycle:		3 Years	
Approval Validation Record			
Action		**Date**	**Board Sec'y Initials**
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Minutes Approved:		2/10/2011	
Accountability			
Board Committee:		Policy Committee	
Agency Function:		Personal Property and Funds – Resident Rights in Specialized Residential Settings	
Sunset Review Begins:			
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CENTRA WELLNESS NETWORK
PROCEDURE 03.23 PERSONAL PROPERTY AND FUNDS - RESIDENTIAL

I. PURPOSE STATEMENT:

Centra Wellness Network's (CWN) Governing Body establishes and evaluates policies and related procedures as required by statutory and contractual obligations.
CWN reserves the right in its sole discretion to adopt and implement policies and procedures that ensure a safe, functional and professional workplace that operates with integrity using person-centered focus and planning, trauma informed practices and respect of others, cultural sensitivity and transparency in communication and practice. Organizationally and in practice, CWN is responsive to the needs of clients, community and staff.
Any statements and procedures are subject to review and/or unilateral change, modification, suspension or cancelation in whole or in part of any published/unpublished policies or procedures without notice and without having to give cause, justification, or consideration to any employee. Recognition of these rights and prerogatives of CWN is a term and condition of and maintaining employment.
Policies and Procedures are approved by the Board and/or upon recommendation by the Executive Director or his/her designee.

II. APPLICATION:

Agency Wide.

III. DEFINITIONS:

House Rules:
Rules applying to all residents of a home that are established to assure the safety and comfort of recipients and the orderly functioning of the home.

Limitation:
A time limited restriction placed on a consumer.

Personal Property:
Any possessions belonging to a recipient.

Resident Funds:
The recipient's money, legal tender, note, draft certificate of deposit, stock, bond, check, debit card, or credit card.

IV. POLICY STATEMENT:

The intent of this procedure is to ensure that all consumers served by CWN, have the right to receive, possess, and use all personal property and funds, unless limited pursuant to regulations in the Mental Health Code. Any limitations shall be removed when the circumstances justifying its adoption cease to exist.

V. PROCEDURES:

A. Property

1. A resident is entitled to receive, possess, and use and dispose of his/her personal property. Certain properties can be excluded from a residential site by house rules. These include:
    a. Weapons such as firearms, knives, explosives, and sharp objects.
    b. Drugs, unless prescribed.
    c. Alcoholic beverages.

    The recipient shall be given the opportunity to dispose of the excluded items before admittance to a program or residence.
2. All exclusions are in writing and posted in each residence and shall notify residents of these exclusions at the time of admission. If a recipient is

admitted to a residential program, items of personal property that are not subject to an exclusion or limitation shall be permitted to remain with the recipient. Criteria and justification for exclusions of particular kinds of property shall be documented and made available to the Executive Director, or his designee on request.

3. Each residence shall provide a reasonable amount of storage space to each recipient for his/her clothing and other personal property. All such property belonging to a recipient will be inventoried during admission and a receipt shall be given to a resident and/or an individual designated by the individual for any of his personal property taken into the possession of the residence. A resident shall be permitted to inspect personal property at reasonable times.
4. A recipient's right to possess personal property may be limited, by the person in charge of the plan of service only if the limitation is essential in order to prevent theft, loss or destruction of the property, unless the recipient signs a waiver, or to prevent the recipient from physically harming his/her self or others.
5. Limitations on the right to receive possess, and use personal property shall be preceded by documentation of the circumstances that indicate that a limitation is the minimal essential step to achieve protection of physical well-being or property. Limitations shall be time limited, and the date of expiration shall be documented in the resident's case record. Any limitation shall be removed when the circumstances that justified its adoption cease to exist. Any personal property in the possession of a facility at the time the resident to whom the property belongs is released from the facility will be returned to the resident.
6. Procedures for the disposition of excluded property in the possession of the resident shall include notification of the medical team relative to disposition of drugs and law enforcement relative to the disposition of weapons and illegal drugs.
7. Personal belongings of a recipient shall not be used as common property; exceptions require written informed consent and shall be documented in the case record.
8. A recipient's property or living area shall not be searched by a provider unless such a search is authorized in the residents plan of service or there is reasonable cause to believe that the resident is in possession of property excluded from the resident's possession by the written policies/procedures or rules of the provider. The following conditions apply to all searches:
    a. Search of resident's living area or property shall occur in the presence of a witness;
    b. Resident shall also be present unless he or she declines to be present;
    c. Justification for the search shall be entered in the resident's record and shall include all of the following:
        1. reason for initiating the search;
        2. names of the individuals performing and witnessing the search;
        3. results of the search, including a description of the property seized.

B. <u>Recipient Funds</u>

1. A recipient shall retain possession of his/her funds. This includes notes, drafts, deposit receipts, stocks, bonds, checks, credit cards, debit cards, as well as cash.

2. A recipient with an empowered guardian shall retain possession of his her/ money or assets, unless parent of a minor or empowered guardian gives other direction. Allowances provided by the parent or a guardian shall be spent at the discretion of the recipient.
3. A recipient shall be provided a locked storage space for money and other valuables kept in the home.
4. A recipient may be assisted or counseled budgeting his/her money. However, a recipient may not be prevented from spending his/her money as he she chooses.
5. A recipient shall not be denied access to or spending of his/her money.
6. The residential agency/provider may require that all money, which is on the person of a resident, which comes to a resident, or which the agency receives in place of the resident under a benefit arrangement or otherwise, be turned over to the agency for safekeeping. The money shall be accounted for in the name of the resident. The amount of money shall be recorded periodically in the records of the resident. An official receipt shall be issued to the resident. Upon request, money accounted for in the name of a resident shall be turned over to a conservator of the resident.

C. Recipient's Appeal Process
   1. At the time the limitations are placed on the property or funds of the recipient,
   2. The recipient will be informed that he/she can file a complaint with the Office of Recipient Rights if he/she feels their right to personal property or funds has been violated.

D. Disposal of Resident Personal Property and Funds
   1. Upon discharge of a resident all money and personal property are to be returned to the resident. Each residence is to establish procedures for disposition of items that are inadvertently overlooked. In the event of the death of a resident, every effort shall be made by the agency to divest itself of a resident'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 relative does not exist, or if the personal property consists of more than $100.00, the disposition shall be handled in accordance with these procedures:
   2. The agency 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.
   3. If there are questions as to rival claims to personal property and money, the property and money may be held by a facility until the claims are determined in a probate court.
   4. If the nearest relative cannot be contacted, the agency shall send a list of the personal property and money by registered mail, to the person or entity who paid for the funeral expenses.
   5. If there are not claims to personal property or money of a deceased resident, the property and money shall be considered to be unclaimed.
   6. If a resident does not return from an unauthorized leave, and if the resident's property and money are not claimed by the resident or resident's relatives, heirs, or personal or legal representative, the director shall retain custody of them and handle the matter as unclaimed property.
   7. If personal property or money or residents are unclaimed and have been held for 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 (30th) 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 (2) year period pursuant to Act No. 238 of the Public Acts of 1957, being 434.151 et seq. of the Michigan Compiled Laws.

VI. EXHIBITS:

N/A

VII. REFERENCES:

Authority and Related Directives Trace	
Federal	CFR 438.224, 42 CFR Subchapter IV, Mental Health Rights and Advocacy, Section 9501. (O) (2) (B)
State	MHC 330.1728, 330.730, 330.1732, 330.1752; AR 330.7009
NMRE	
County	Interlocal Agreement of December 1992 Section IX(j)
CARF	CARF 2026 Behavioral Health Standards
Other	Board By-Laws