

NORTH COUNTRY COMMUNITY MENTAL HEALTH ADMINISTRATIVE MANUAL

CHAPTER: Five – Member Rights
PROCEDURE NAME: RESIDENTIAL PROPERTY AND FUNDS
EFFECTIVE DATE: September 1, 2019

PURPOSE

To establish guidelines for the protection of, and access to, personal property and funds belonging to recipients in supported living situations and in other group services.

APPLICATION

All North Country Community Mental Health direct service programs and contracted direct service providers.

DEFINITIONS

Facility: a licensed residential facility for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or developmental disability.

Recipient: an individual who receives mental health services from a community mental health services program, or a facility or from a provider that is under contract with the community mental health services program.

Resident: an individual who receives services in a facility.

PROCEDURE

A facility may exclude particular kinds of personal property from the facility (i.e. weapons, explosives, drugs and alcohol). Any exclusions shall be officially adopted and shall be in writing and posted in each residential unit. The exclusions must not violate Home and Community Based Services (HCBS) regulations if applicable, or recipient rights as defined by the Mental Health Code (MHC) and Michigan Department of Health and Human Services (MDHHS) Administrative rules.

The individual in charge of the plan of service for the resident (primary case holder) may limit the rights involving personal property if each limitation is essential for one of the following purposes:

- To prevent theft, loss, or destruction of the property, unless a waiver is signed by the resident.
- To prevent the resident from physically harming himself, herself, or others.

A limitation adopted under this section, the date it expires, and justification for its adoption shall be promptly noted in the record of the resident. The limitation shall be removed when the circumstance that justified its adoption ceases to exist.

A facility shall provide:

- A receipt to the resident and/or an individual chosen by him or her for property taken into the possession of the facility. All personal property in the possession of a residential setting shall be returned to the recipient upon his or her leaving.
- A reasonable amount of storage space to each resident for his or her clothing and other personal property. The resident shall be permitted to inspect personal property at reasonable times.
- Ready access to personal funds held for a resident.

Searches:

A recipient's personal space or property shall not be searched by a provider unless such a search is authorized in their plan of service or there is reasonable cause to believe that the recipient is in possession of contraband or property that is excluded from the recipient's possession by the written policies, procedures of the provider or foster care Licensing Rules. Contraband may include:

- Illegal drugs, weapons, explosives.
- Other items which could pose an identifiable threat to the individual or others.
- Items specifically excluded by the plan of service.
- A search of the recipient's living area or property shall occur in the presence of a witness. The recipient shall also be present unless they decline.

Documentation will be completed in the recipient's record with the following information:

- The reason for conducting the search.
- The reason for initiating the search.
- The names of the individuals performing and witnessing the search.
- The results of the search, including a description of the property seized.

REFERENCE: Michigan Mental Health Code 330.1728, 330.1730, 330.1732
MDHHS Administrative Rule R330.7009

REVIEWED: 03/24/08; 05/30/10; 07/06/15

REVISED: 06/01/07; 08/08/16; July 4, 2019

APPROVED BY SIGNATURE:

Christine Gebhard
Chief Executive Officer

09/10/19
Date

Kim Rappleyea
Recipient Rights Officer

09/10/2019
Date