
Title	Northern Lakes CMHA Policies
Part 106	Supports and Services – NLCMHA Provided and Contract
Subpart J	Mental Health Code Protected Recipient Rights
Policy No.	106.1007
Subject	Financial Rights (RR)

Applicability

Policy applies to all Northern Lakes CMHA activities, operations and sites and to all employees except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that have elected to adopt and adhere to Northern Lakes CMHA policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

Policy

Northern Lakes CMHA and its contracted providers shall safeguard a recipient's money in accordance with the United States Constitution (4th and 14th Amendments), the Michigan State Constitution of 1963 (Article 11, Section 11), and the Michigan Mental Health Code (PA 258 of 1974, MCL 330.1730), and the Michigan Department of Health and Human Services Administrative Rules (R 330.7009).

STANDARDS:

Each facility, Independent Living Provider, or other program operated by or under contract with Northern Lakes CMHA shall establish policies and procedures designed to ensure that a recipient's money is safeguarded against theft, loss, misappropriation, or exploitation.

Exploitation is any action that involves the misuse of a recipient's funds by an employee, volunteer, or agent of a provider as defined by the Social Welfare act, PA 280 of 1939, MCL 400.1.

For the purposes of this policy a recipient's money includes any legal tender, note, draft, certificate of deposit, stock, bond, check, or credit card.

FACILITIES

1. A facility may require that all money that is on the person of a resident, that comes to a resident, or that the facility receives on behalf of the resident under a benefit arrangement or otherwise, be turned over to the facility for safekeeping. The money shall be accounted for in the name of the resident and recorded periodically in the records of the resident.

Money accounted for in the name of a resident of a facility may be deposited with a financial institution. Any earnings attributable to money in an account of a resident shall be credited to that account.

2. Policies and procedures shall be established in writing for each facility giving residents easy access to the money in their accounts and enabling residents to spend or otherwise use their money as they choose.
3. A resident of a facility is entitled to easy access to the money in his or her account and to spend or otherwise use the money as he or she chooses.
4. A resident may not be restricted from having access to his or her money except with the consent of the recipient's legal guardian, if the guardian has such authority, and as documented in the recipient's Behavior Treatment/Support Plan, as outlined in Section 6 of this policy.
5. A resident shall not be restricted to access to his or her money as punishment or a consequence for maladaptive behaviors.
6. Any plan that places limitations on a resident's right to access his or her money shall include the following:
 - a. The type, scope and duration of the restriction or limitation; and
 - b. The clinical and legal justification for the restriction or limitation; and
 - c. A description of attempts that have been made to avoid the restriction or limitation, assuring that it is the least restrictive intervention that is appropriate and available; and
 - d. How the restriction or limitation is being used in connection with the recipient's goals and objectives; and
 - e. The end-date of the restriction or limitation, or when not foreseeable, a description of what actions will be taken as part of the plan to ameliorate or eliminate the need for the restriction or limitation in the future; and
 - f. Instructions to the implementing provider(s) that each instance of the restriction or limitation will be documented in the recipient's record with a plan for data collection and review of progress.
7. A restriction or limitation adopted under the authority of the above conditions shall be removed when the circumstance that justified its adoption ceases to exist.
8. Each instance of a restriction or limitation adopted under the authority of the conditions listed above, the date it expires, and justification for its adoption shall be promptly noted in the recipient's record. A restriction or limitation shall not exceed the justification either in scope or duration.

9. Upon request, money accounted for in the name of a resident shall be turned over to a legal guardian of the resident if the guardian has such authority.
10. All money, including any earnings, in an account of a resident of a facility shall be delivered to the resident or his/her guardian, if the guardian has such authority upon the discharge of the resident from the facility.

Procedures

None.

Adoption Date: May 23, 2006

Review Dates:

June 8, 2009
May 14, 2010
March 27, 2012
April 15, 2015
January 28, 2020
July 13, 2021 PK

Revision Dates:

August 31, 2010
March 20, 2018
May 4, 2020