

# HIAWATHA BEHAVIORAL HEALTH BOARD

## Administrative Policy

Chapter: Recipient Rights  
Section: Property and Funds (6.12)  
Approved: 11/26/07  
Rescinds: 2/21/05 Property and Funds (6.12)  
Review Committee: Recipient Rights Advisory Committee  
Review Date: 7/29/09

### I. Purpose

To establish procedures governing the use of personal property and funds of recipients.

### II. Policy

It is the policy of the Hiawatha Behavioral Health Authority that recipients are not prevented from receiving, possessing, and using all personal property/belongings unless it is a violation of law, documented in the universal house rules, or limited as authorized in the Individual Plan of Services.

### III. Definitions

Appellant: The recipient, complainant, legal representative of a minor, or guardian who appeals a recipient rights finding or a respondent's action to an appeals committee.

Facility: A residential lodging for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or development disability that is either a state or a licensed provider.

House Rules: General guidelines that apply universally to all recipients of the home and are established to assure the safety and comfort of the recipients, the therapeutic benefit of the recipients, and/or the efficient functioning of the home.

Limitations: Constraint of a right for an individual recipient within the provisions of the Mental Health Code and Administrative Rules.

Primary Clinician: The individual responsible for the implementation of the Individual Plan of Services.

IV. Procedure

A. Each facility shall provide a reasonable amount of storage to each recipient for his/her clothing and other personal property. The recipient shall be permitted to inspect personal property at reasonable intervals.

B. When the facility adopts exclusions of particular kinds of personal property, it shall list the specific items to be excluded and shall notify recipients of these exclusions at the time of admission. All exclusions shall be officially adopted, shall be in writing, and shall be posted in the facility. Exclusions may be appropriate to the mental or chronological age of recipients and shall include all of the following:

1. Weapons, such as firearms, Tasers, knives, or other sharp objects, or explosives.
2. Drugs, whether prescribed or not, unless possession of the drug is specifically authorized by the attending physician.
3. Alcoholic beverages.

C. A recipient's belongings or sleeping area shall not be searched unless there is reason to believe that a recipient possesses an excluded item. The Administrative Rules / this Policy and Procedure stipulate the process for carrying out a search of a person's personal belongings. See IV.J below.

D. A recipient, legal representative of a minor, or guardian may appeal a limitation or the expiration date of a limitation within 30 days of the implementation of the limitation by notifying the primary clinician verbally or in writing of his/her desire to appeal.

E. A receipt shall be given to a recipient and an individual designated by the recipient for any of his/her personal property taken into the possession of the residence for safekeeping and the recipient shall be permitted to inspect the personal property at reasonable intervals. Any personal property in the possession of the residence at the time the recipient is released or moves from the premises shall be returned to the recipient.

F. A recipient shall have easy access to his/her money to use as desired and when necessary in accordance with an authorized guardian or payee.

G. Personal belongings of recipients shall not be used as community property. If the recipient voluntarily agrees to an exception, written informed consent shall be obtained and filed in the recipient's case record.

#### H. Limitations:

1. The primary clinician may limit personal property rights if each limitation is essential for one of the following purposes:
  - a. In order to prevent theft, loss, or destruction of the property, unless the recipient signs a waiver.
  - b. In order to prevent the recipient from physically harming himself/herself or others.
2. The primary clinician will:
  - a. Explain the limitation to the recipient, legal representative of a minor, or guardian and place the following documentation in the recipient's clinical case record.
    1. The specific limitation.
    2. The justification for its adoption.
    3. The date on which it expires.
    4. The date the explanation was given.
  - b. Notify the recipient, legal representative of a minor, or guardian of the appeal process.
  - c. Review the limitation annually and remove it when the circumstance that justified its adoption ceases to exist.
  - d. Notify the recipient of the removal.

#### I. Exclusions:

1. The primary clinician shall notify individuals of the excluded items prior to admission.
2. The home coordinator/provider shall:
  - a. Include exclusions in approved Universal House Rules
  - b. Post a written copy of the house rules in an area that is accessible by recipients and provide a copy if/when requested.

#### J. Searches:

1. The primary clinician, home provider, or recipient rights officer shall:
  - a. Determine that there is a justification to conduct a search.
  - b. Notify the recipient what item he/she is suspected of possessing and offer the recipient an opportunity to produce the item voluntarily without a search.

- c. Conduct a search for the suspected item in the presence of the recipient unless he or she declines to be present, and another witness. If an illegal item is suspected, law enforcement may be notified to conduct the search.
- d. The circumstances surrounding the search shall be documented in the recipient's clinical case record and shall include the following:
  - (i) The reason for initiating the search
  - (ii) The names of the individuals performing and witnessing the search.
  - (iii) The results of the search, including a description and location of the property seized.

K. Appeals:

- 1. If the recipient, legal representative of a minor, or guardian appeals a limitation or the expiration date of a limitation:
  - a. The primary clinician will request his/her manager, or the treatment team to conduct a review.
  - b. The reviewing party will notify the individual of the decision within 14 days and document the decision in the recipient's clinical case record.
- 2. If the appellant is dissatisfied, he/she may submit a request to the Chief Executive Officer verbally or in writing for further review.
  - a. The Chief Executive Officer shall conduct a review and notify the appellant of the decision within 14 days.
  - b. The Chief Executive Officer or designee will document the decision in the recipient's clinical case record.

V. Application

All Programs Operated By and Under Contract With HBH

VI. Cross Reference and Legal Authority

A. Act 258 of the Public Acts of 1974, as amended - Mental Health Code -Section 330.1728