

HIAWATHA BEHAVIORAL HEALTH
Administrative Policy

CHAPTER: Recipient Rights	SECTION: Property and Funds – 6.12
EFFECTIVE DATE: 2/21/05	APPROVAL /REVISED DATE: 2/27/19
REVIEW DATE: 2/23/2026	REVIEW COMMITTEE: Recipient Rights Advisory Committee Changes: Yes: No: X

I. Purpose

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

II. Policy

It is the policy of Hiawatha Behavioral Health that recipients are not prevented from receiving, possessing, and using all personal property/belongings unless it is a violation of law, an exclusion that is applicable to all individuals, or limited as authorized in the Individual Plan of Services.

III. Definitions:

- A. Appellant: A person who appeals a decision, usually seeking a reversal of that decision.
- B. Exclusions: 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.
- C. Limitations: Constraint of a right for an individual recipient within the provisions of the Mental Health Code and Administrative Rules.
- D. Primary Clinician: The individual responsible for the implementation of the Individual Plan of Services.
- E. Specialized Residential Service: A combination of residential care and mental health services that are expressly designed to provide rehabilitation and therapy to a recipient, that are provided in the residence of the recipient, and that are part of a comprehensive Individual Plan of Services.

IV. Procedure:

- A. Each specialized residential provider shall provide a reasonable amount of storage to each recipient for his/her clothing and other personal property
- B. When the specialized residential provider 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 specialized residential provider site.

Exclusions may be appropriate to the mental or chronological age of recipients and shall include all of the following:

1. Weapons such as firearms, tazers, knives, 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 Michigan Department of Health and Human Services Administrative Rules / this Policy and Procedure stipulate the process for carrying out a search of a person's personal belongings.
- 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 personal funds to use as desired and when necessary in accordance with an authorized guardian or payee. Deposits and withdrawals from the recipient's personal funds shall be receipted.
- 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 electronic medical record:
 - i. The specific limitation
 - ii. The justification for its adoption
 - iii. The date on which it expires
 - iv. 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 as designated in the Individual Plan of Services 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. The specialized residential provider shall post a written copy of excluded items in an area that is accessible by recipients and provide a copy if/when requested.

J. Searches:

1. The primary clinician, specialized residential 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 electronic medical 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 electronic medical 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 electronic medical record.

V. Application:

All programs operated by and under contract with Hiawatha Behavioral Health

VI. Cross Reference and Legal Authority:

- A. Act 258 of the Public Acts of 1974, as amended – Michigan Mental Health Code -Section 330.1728
- B. Michigan Department of Health and Human Services Administrative Rules 330.7009 (7)