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| Community Mental Health Partnership of Southeast Michigan/PIHP | <i>Policy and Procedure Recipient Payment for Damage to Property</i> |
| Committee/Department: Recipient Rights | Local Policy Number (if used) |
| Implementation Date 10/24/2023 | Regional Approval Date 09/28/2023 |

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| Reviewed by: | Recommendation Date: |
| ROC | 08/09/2023 |
| CMH Board: | Approval Date: |
| Lenawee | 09/28/2023 |
| Livingston | 08/29/2023 |
| Monroe | 09/27/2023 |
| Washtenaw | 08/25/2023 |

I. PURPOSE

The purpose of this policy is to establish guidelines for recipient responsibility for payment of purposeful damage to property during the provision of services.

II. REVISION HISTORY

| DATE | MODIFICATION |
|-------------|-------------------------------------|
| 04/22/2010 | Full policy revision |
| 05/31/2013 | Template updated |
| 01/05/2017 | Template Updated |
| 02/13/2020 | 3-year review No Content Changes |
| 09/28/2023 | 3 year review No Content Changes |

III. APPLICATION

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| <input checked="" type="checkbox"/> CMHPSM PIHP Staff, Board Members, Interns & Volunteers |
| <input checked="" type="checkbox"/> Regional Partner CMHSP Staff, Board Members, Interns & Volunteers |
| Service Providers of the CMHPSM and/or Regional CMHSP Partners: |
| <input checked="" type="checkbox"/> Mental Health / Intellectual or Developmental Disability Service Providers |
| <input type="checkbox"/> SUD Treatment Providers <input type="checkbox"/> SUD Prevention Providers |
| <input type="checkbox"/> Other as listed: |

IV. POLICY

It is the policy of the CMHPSM to promote recipients' assumption of responsibility for purposeful damage of property during the provision of services.

V. DEFINITIONS

Community Mental Health Partnership Of Southeast Michigan (CMHPSM): The Regional Entity that serves as the PIHP for Lenawee, Livingston, Monroe and Washtenaw for mental health, developmental disabilities, and substance use disorder services.

Community Mental Health Services Program (CMHSP): A program operated under chapter 2 of the Mental Health Code as a county community mental health agency, a community mental health authority, or a community mental health organization.

Purposeful damage: Any intentional or deliberate impairment of the usefulness or value of facilities and property.

Regional Entity: The entity established under section 204b of the Michigan Mental Health Code to provide specialty services and supports.

VI. STANDARDS

- A. Recipients will not be charged for accidental damage to property. Ongoing maintenance funds from program budgets shall be accessed for repairs due to accidental damage.
- B. The clinical treatment team, in consultation with the Office of Recipient Rights, as needed, shall make a determination as to the purposeful nature of the action, and the recipient’s ability to understand the connection between their action and the damage incurred. In addition, any actions or omissions by staff, which may have contributed to the incident, will be evaluated. A recipient shall not be asked to pay for damages if staff action or omission was a determining factor in the property damage.
- C. The clinical treatment team will determine an appropriate charge for the damage. Charges will not exceed the cost of repair or the actual value of the damaged property. Charges will not affect a recipient’s ability to meet basic needs. Payment plans may be arranged as appropriate. Any restrictions placed on a recipient’s access to funds shall be implemented in compliance with CMHPSM policies Limitation of Rights, Personal Property and Funds, and Behavioral Treatment Committee.
- D. Should the recipient not consent to payment, the clinical treatment team shall determine whether it is appropriate for legal charges to be filed. This determination shall be made in consultation with the Office of Recipient Rights.

VII. EXHIBITS

None

VIII. REFERENCES

| Reference: | Check if applies: | Standard Numbers: |
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| Michigan Mental Health Code Act 258 of 1974 | X | |
| CMHPSM Policy: <u>Behavioral Treatment Committee</u> | X | |

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| CMHPSM Policy: <u>Limitation of Rights</u> | X | |
| CMHPSM Policy: <u>Personal Property and Funds</u> | X | |

IX. PROCEDURES

| WHO | DOES WHAT |
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| All Program Staff | <ol style="list-style-type: none"> 1) Maintains familiarity with recipients' Individual Plans of Service/Behavior Plans regarding interventions used to address property destruction. In the event a recipient engages in destructive behavior, intervenes as soon as possible to prevent harm to individuals and property. 2) Ensures that all recipients are safe and that their needs have been addressed. 3) Assesses any property damage. 4) Encourages recipient to assist with cleanup of any debris or damage if appropriate, and if it will not further escalate the recipient, resulting in additional damage. 5) Inventories damaged property. Initiates any immediately needed repairs. 6) Follows emergency and Incident Reporting procedures and any previously identified treatment plan. 7) Notifies Program Supervisor. |
| Program Supervisor | <ol style="list-style-type: none"> 1) Ensures that all recipients are safe, that their needs have been addressed, and that Incident Reporting procedures have been followed. 2) Informs assigned clinical staff of incident, and notifies them if consideration should be given to assessing recipient with cost of damages. 3) Secures information on costs of repairs/replacement to damaged |

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| | property, and forwards to assigned clinical staff. |
| Assigned clinical staff | <ol style="list-style-type: none"> 1) Reviews incident, consults with recipient and legal representative, program staff and other professionals to determine appropriateness of assessing recipient for cost of damage. 2) Determines amount recipient will be charged based on the cost of repair or the cost of the damaged item's actual value, with consideration of the recipient's financial resources and appropriateness of staff action during the incident. 3) Consults with the Office of Recipient Rights before making a final determination of recipient costs. 4) Notifies Program Supervisor and recipient of results of review. 5) If recipient agrees to repayment, assists recipient in making payment arrangements. 6) If recipient refuses to make payment, consults with other involved professionals, supervisor and Office of Recipient Rights to determine appropriateness of any additional action. 7) Ensures that recipient is aware of grievance and recipient rights complaint processes. |