

Office of Provider Standards & Review

John R. Kasich, Governor
John L. Martin, Director

MEMORANDUM

To: County Board Superintendents
SSA Directors
Providers
COGS

From: Kathryn Haller, Chief Legal Counsel, Ohio Department of DD

Date: October 13, 2011

RE: Money Management Guidelines Information Notice

The Ohio Department of Developmental Disabilities has developed the attached guidelines regarding the management of individual funds and personal belongings. These guidelines and the attached Health & Safety Alert (32-10-11) are in response to data which indicates that acts of misappropriation and theft are on the rise in the state. These guidelines are also in response to a number of questions from the field seeking direction on good money management practices.

In developing these materials, we have benefitted from the insights and systems already in place with a number of providers and county boards. It is our hope that the guidelines and the information provided in this communication will aid providers who are responsible for assisting individuals with the management of individual funds and personal belongings in fulfilling their responsibilities. As a reminder, providers may bill HPC for services when assisting with money management if the individual has an assessed need for support in this area, the assessed need is addressed on the service plan, and the provider is selected by the individual to provide these services.

The department also plans to offer these additional resources:

1. Providing training to the field on the attached guidelines, recommended forms, and information notice. The first of these trainings was provided at the PAR Conference in October.
2. Developing a sample ethics policy which ensures that staff will not borrow money from individuals, buy items from individuals or sell items to individuals.
3. Dedicating a specific section of the DODD website to provide information on individual funds and personal belongings, including DODD recommended forms and training materials. We also recommend the website include statistics on misappropriation MUIs and adverse

actions taken as a result of money management issues. The MUI Unit is currently working to coordinate this information into the on-line MUI Tool Kit.

4. A state-wide training on estate planning for individuals with disabilities. DODD is partnering with People First of Ohio and the Family Advisory Council to schedule a state-wide training for the Spring of 2012.
5. Making information and resources related to money management, including the attached guidelines and forms available to providers at the time of certification as part of a "new provider" packet. DODD is currently in the process of developing an on-line Provider Portal where providers can access forms, resources, etc.
6. Developing guidelines around the use of start-up funds for SSAs, providers, individuals and their teams.
7. Providing alternatives to the practice of providers providing payee services to individuals they serve. DODD will identify examples of these alternatives and make them available to the field.

Any questions or comments regarding this memorandum or the attached guidelines and forms may be directed to:

Ann L. Weisent, DODD Review Manager, Office of Provider Standards and Review, at ann.weisent@dodd.ohio.gov

or

Andrew Merickel, Regional Manager, MUI Unit, at andrew.merickel@dodd.ohio.gov

Personal Things/Personal Money Admission/Initiation

Purpose:

The purpose of this memo is to provide a better understanding regarding how to set up a system for helping an individual handle his/her personal belongings and/or individual funds when it has been decided, through assessment and placement in the Individual Service Plan, that the provider will be responsible for or will assist the individual with handling his or her things and/or money:

Definitions:

Personal Things - All clothing, furniture, televisions, radios, medication and other personal items purchased and/or owned by the individual, including items gifted to the individual.

Personal Money - Earned and unearned income kept by the individual after paying all bills.

Social Security Funds - All income received for the individual from the Social Security Administration including SSI and SSDI.

ISP - Individual Service Plan

Inventory - A written list of an individual's personal belongings.

Payee - Individual or agency given the power, by the Social Security Administration, to manage an individual's Social Security benefits.

Responsible Agent - The person or agency, other than the provider, named in the Individual Service Plan to take on the responsibility to decide what to do with an individual's personal belongings and/or individual funds at the time of death when the individual does not have a last will and testament.

Account - Any checking account, savings account, cash-on-hand account, household account, or any gift card/certificate that has a cash value.

Guardian - The person or agency named by the probate court as having the power to make decisions on behalf of an individual over the age of 18.

Process:

The Role of the Team:

When it has been determined, through assessment that the provider will help the individual with handling his or her money and things, the team should identify the following and include in the ISP:

1. The responsibilities of the individual, the provider, the payee, the guardian and/or any unpaid natural supports, regarding the individual's things and/or money should be clearly written in the plan.
 - a. Identify who, if anyone, will be paid to handle the individual's personal belongings and/or funds and identify the limits (Highest amount the provider can spend without team approval, use of ATM/Debit cards, maintenance of receipts, process for balancing accounts to make sure they are correct, etc.) and responsibilities.
 - b. Identify if the individual can handle a portion of his/her things and or money, and identify the limits (i.e.: amount the individual can independently manage, the need for receipts, approval of the use of ATM/Debit cards, etc.) and responsibilities.
 - c. Identify, if applicable, the names and responsibilities of others, who are not paid for providing services, who may be helping with management of the individual's things and/or money (i.e.: natural support, payee, guardian, trustee, etc.).
2. Identify what receipts must be kept by the provider.
3. If the individual has a last will and testament, this should be noted in the plan.
4. If the individual does not have a last will and testament, the need for one may be talked about by the team and an attorney.
5. If it is decided that a last will and testament is not needed, the team should identify a Responsible Agent that will help the individual.
6. Decide if the individual needs insurance for their things and how it will be paid for.
7. Decide if the individual would benefit from a free annual credit report, and if so, decide who is responsible for completing the report.
8. When money, from the state (start-up funds) are used, the plan should show who owns any items purchased with the funds.
9. When the need is written in the ISP, identify a system for watching over the individual's things that are worth \$50.00 or more through the use of a list or other type of tracking system which shows who owns it, if it has been disposed of, and how much it's worth.

The Role of the Provider

Upon the start of services the provider should do the following:

1. Look at the plan to make sure that it clearly explains the provider's responsibilities for helping an individual with his/her things and/or money.
2. Provide training to staff that will be helping the individual with his or her things and/or money.
3. When the need has been written in the individual plan, complete an initial list of the individual's things, that are worth \$50.00 or more, within 14 days of starting services (Department Recommended Form Attached).
4. Complete a list of the individual's money, for which the provider is responsible, within 14 days of starting services.
5. Start using an Account Transaction Record (Department Recommended Form Attached) for each account for which the provider is helping the person.

The Role of the Individual

Upon the start of services, the individual should do the following:

1. Let team know what you want/need help with regarding your money and your things.
2. Select the people you want to help you with your money and your things.
3. Make sure that you understand your plan.
4. Ask any questions if you have any.

Personal Things/Personal Money Service Delivery

Purpose:

The purpose of this memo is to provide a better understanding of helping someone when it has been decided, through assessment and placement in the Individual Service Plan that the provider will be responsible for or will assist the individual with handling his or her things and/or money:

Definitions:

Personal Things – All clothing, furniture, televisions, radios, medication and other personal items purchased and/or owned by the individual, including items gifted to the individual.

Personal Money - Earned and unearned income kept by the individual after paying all bills.

Social Security Funds - All income received for the individual from the Social Security Administration including SSI and SSDI.

ISP - Individual Service Plan

Inventory - A written list of an individual's personal belongings

Payee - Individual or agency given the power, by the Social Security Administration, to manage an individual's Social Security benefits

Responsible Agent - The person or agency, other than the provider, named in the Individual Service Plan to take on the responsibility to decide what to do with an individual's personal belongings and/or individual funds at the time of death when the individual does not have a last will and testament.

Account - Any checking account, savings account, cash-on-hand account, household account, or any gift card/certificate that has a cash value.

Guardian - The person or agency named by the probate court as having the power to make decisions on behalf of an individual over the age of 18.

Process:

Personal Things

When it has been decided-through assessment that the provider will help the individual with taking care of their things, the provider shall:

1. Help make sure that each individual has enough personal clothing in good repair, well fitting, and comparable in style to that worn by same-aged friends in the community and if he/she does not, make the team aware of the need.
2. Help make sure that each individual has appropriate furniture that is in good repair, safe, and meets the needs of the individual and if he/she does not, make the team aware of the need.
3. Help make sure that each individual has appropriate household goods that are in good repair, safe, and meet the needs of the individual and if he/she does not, make the team aware of the need.
4. Every year, keep an up-to-date list of the individual's things that cost more than \$50.00 which includes a full description of the item (brand name, color, size, serial number, etc.).
5. Help make sure that any item that costs more than \$50.00 is added to the list when it's bought.
6. Throw away, with the individual or guardian's ok, any item that is no longer in good repair, unsafe, or no longer meets the needs of the individual and update the individual's list to show the item was thrown away.
(You must get the individual or guardian's written okay when the item thrown away costs \$50.00 or more).
7. Records should be kept for seven (7) years.
8. Agency providers should have a rule that talks about how staff deal with individuals regarding their things.
 - a. Staff shall not purchase items from individuals.
 - b. Staff shall not sell items to individuals.
 - c. Staff shall not borrow or use items belonging to individuals.

Personal Money

When it has been decided, through assessment that the provider will be responsible for or assist the individual with management of money, the provider shall:

1. Write a policy that:
 - a. Says that the individual's money belongs to the individual so he/she can buy things they want.
 - b. Says that an individual doesn't have to use his or her money to purchase items that can be paid for in other ways.
 - c. Says that an individual doesn't have to use his or her money to pay the difference between the costs of goods and services and the amount of payment received by the provider from insurance or Medicaid.
 - d. Says that staff can't borrow money from the individual, sell things to the individual, or buy things from the individual.
 - e. Says that one individual's money cannot be given to another individual.
 - f. Says that the individual's money cannot be put in the same account with the provider's money.
 - g. Says that the individual has the right to manage his/her money unless otherwise specified in the ISP.
 - h. Says that when the plan indicates that the provider is responsible for managing the individual's money, that the individual can help as much as possible.
2. Track all the money, as required by the individual service plan by using an Account Transaction Record (Department Recommended Form Attached) or any other record which includes the following required elements:
 - a. The individual's name
 - b. The amount and date of all money received
 - c. The source of all money received
 - d. The signature of the person putting money in the account
 - e. The amount and date of all money taken out of the account
 - f. The signature of the person receiving the money taken out of the account

For all accounts, for which the provider is responsible as identified in the individual service plan, the provider must develop a way to protect the individuals' money by:

1. For checking and savings accounts, the account balance must be equal to the most recent bank statement.
2. In settings of 4 or more individuals, the cash account balance of each individual in the home must be equal to the actual cash balance at the change of each shift or whenever the staff person responsible for the cash changes.
3. Agency providers must make sure that all accounts are counted by a person other than the person who handles the money at least once every 60 days. Documentation of counting the money must include:
 - a. Date the money was counted
 - b. Signature of person who counted the money
 - c. An explanation any time the money doesn't equal what it should

For individual providers, the SSA will monitor to make sure the provider counts the money and it equals what it should.

4. When money is received by the provider for the individual, the provider must make the money available to the individual within 5 working days.
5. When the provider is the Payee for the individual, the provider must complete all reports, forms, and documentation required by the Social Security Administration.
6. When the provider is not the Payee for the individual, the provider must make all money records available to the Payee for review.
7. When the individual has a guardian of the estate (money guardian), the provider must make all money records available to the guardian for review.
8. For all money spent by the provider for the individual, there should be a receipt or other proof of purchase unless otherwise specified in the ISP.
9. When money is given to the individual, parent, or guardian to spend for the individual, the money taken and spent will be listed on the Account Transaction Record and signed by the person taking the money. A receipt is required for any item, with a purchase price of \$50.00 or more unless otherwise specified in the ISP.

10. Individual accounts are counted and checked on a routine basis by either an independent accounting company, or by an agency employee who has no involvement in the management and use of the individuals' money, the results of which shall be made available to the County Board and DODD upon request.
11. Any problems found during a compliance review or audit which results in a loss of money to the individual shall result in the provider paying back the individual unless it is decided to be an MUI. In the event that it is decided to be an MUI, payback will be decided and listed in the prevention plan.
12. Any required paybacks shall be set up with the team and a re-payment plan outlined in the ISP in order to make sure that the payback does not result in an individual going over the amount of money needed for Medicaid eligibility.

Personal Things/Personal Money Discharge or Death

Purpose:

The purpose of this memo is to give providers guidelines about what a provider should do with an individual's things and money at the time there is a new provider or when the individual passes away if it has been decided, through assessment and writing it in the Individual Service Plan, that the provider will be responsible for or assist the individual with handling his or her things and money.

Definitions:

Personal Things - All clothing, furniture, televisions, radios, medication and other personal items purchased and/or owned by the individual, including items gifted to the individual.

Personal Money - Earned and unearned income kept by the individual after paying all bills.

Social Security Funds - All income received for the individual from the Social Security Administration including SSI and SSDI.

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Inventory - A written list of an individual's personal belongings

Payee - Individual or agency given the power, by the Social Security Administration, to manage an individual's Social Security benefits

Responsible Agent - The person or agency, other than the provider, named in the Individual Service Plan to take on the responsibility to decide what to do with an individual's personal belongings and/or individual funds at the time of death when the individual does not have a last will and testament.

Account - Any checking account, savings account, cash-on-hand account, household account, or any gift card/certificate that has a cash value.

Guardian - The person or agency named by the probate court as having the power to make decisions on behalf of an individual over the age of 18.

Upon moving, ending services or getting a new provider, the provider shall do the following:

1. Notifications

- a. A licensed facility must, in the event of discharge, follow the requirements of Ohio Administrative Code 5123:2-3-05.
- b. A provider of services in an unlicensed setting must give the individual, guardian, and Service and Support Administrator 30 days notice to stop services.
- c. An individual receiving services may stop services at any time by telling the provider and the Service and Support Administrator of his/her decision to stop services.

2. Personal Things

- a. Complete a final list of the individuals' things within 30 days of the end of services using the Department Recommended form (attached) or similar form which includes the same things.
- b. Make plans for the individual, guardian, Service and Support Administrator, or Responsible Agent to pick up the individuals' things within 30 days of ending services.
- c. Make sure that the person picking up the individual's things signs the final list (One copy for the provider, one copy for the person picking up the things).

3. Personal Money

- a. Release the individuals' money, taking out what is owed by the individual, at the time services end. If the individual ends services, the provider has 14 days from the date he/she is told to release funds.
- b. Provide the individual or guardian with a final itemized statement of the individuals' money and any left-over personal money within 30 days of ending services.

Death of an Individual

At the time of death, the Responsible Agent shall:

1. Tell the Department of Job and Family Services, if the individual received Medicaid, that the individual has passed away.
2. Make sure that any left-over benefits are returned to the Department of Job and Family Services.
3. Contact the Probate Court to decide any necessary legal action to be taken.
4. Make decisions regarding who gets the individuals' things.
5. Make decisions regarding who gets the individual's money.

At the time of death, the Payee shall do the following (if there is no Payee, the Responsible Agent shall be responsible):

1. Tell Social Security that the individual has passed away.
2. Make sure that left-over money is returned to the Social Security Administration.

At the time of death, the provider shall do the following:

1. Notifications
 - a. Tell the guardian, family, next of kin, Service and Support Administrator and/or responsible agent immediately (within 4 hours) of the individual's death.
 - b. In the event that the provider is the Payee, tell the Social Security Administration.
2. Personal Things
 - a. Complete a final list of the individuals belongings within 14 days of death, using the Department Recommended form (attached).
 - b. Make arrangements for the administrator of the estate, family members, or Responsible Agent to pick up the individuals' things within 30 days of death.
 - c. Make sure that the person obtaining the individual's things signs the final list (One copy for the provider and one copy for the person getting the things)
 - d. Complete a final list of all medications within 24 hours.
 - e. Unused medication must be thrown away within 7 days per the provider's disposal policy or returned to the pharmacy.
 - i. In the event that the medication is returned to the pharmacy, the provider must obtain a receipt from the pharmacy for the returned medications.
 - ii. If the medication is thrown away by the provider, documentation of the disposal must be kept and signed by the person throwing away the medication and one witness.

