



Department of
Developmental Disabilities

Office of Provider Standards & Review

Ted Strickland, Governor
John L. Martin, Director

MEMO

To: Money Management Committee Participants and Stakeholders

From: Money Management Committee

Date: April 29, 2011

RE: Committee Recommendations

DODD would like to thank the committee participants as well as the stakeholders who have worked with us on the development of these best practice standards. We realize that there are still areas in which we will continue to have dialogue with the field, but in an effort to move forward in this important area, we have identified priority goals and long-range goals based on the committee's recommendations.

In addition to prioritizing the committee recommendations, DODD will move forward in providing training, resources, and information to the field on these best practice standards. We believe this to be imperative as the best practice standards and protocols included with this communication, are driven by the Individual Service Plan as approved by the individual and the team.

The committee made the following recommendations:

1. Disseminate and train the field on the attached protocols. The protocols were developed by the committee to provide a system of accountability for individual funds and personal belongings at the time of admission/initiation of services, throughout the delivery of services, and at the time of discharge or death.
2. Disseminate and train the field on the use of the attached DODD recommended forms. The committee has created three forms which may be used by any provider who is responsible for handling individual funds. These forms are the monthly transaction record, gift card record, and inventory record.
3. Disseminate the attached protocols and train SSAs and other relevant stakeholders on the recommendations in the protocols.
4. The committee recommends that DODD develop a standardized money management assessment tool to be used in developing the Individual Service Plan..
5. The committee recommends that DODD work with PATHS or PAR to develop a training curriculum for training direct support staff on the proper handling of individual funds and personal belongings.
6. The committee recommends that DODD create an ethics agreement that stipulates that all agency providers will have an ethics policy in place which ensures that staff will not borrow money from individuals, buy items from individuals or sell items to individuals. We recommend that this ethics agreement be completed at the time of initial certification. We understand that this can not be a condition of becoming certified, but we do recommend that the provider be asked to complete and submit a copy of the ethics agreement back to DODD upon the completion of the certification process.

7. The committee recommends that DODD develop a single rule, based on 5123:2-3-14 and 5123:2-3-12, which applies to all providers responsible for the management of individual funds and personal belongings. The current rules only apply to licensed facilities and the committee feels that similar requirements should be in place for all providers who are responsible for handling individual funds and assisting individuals with the management of their personal belongings..
8. The committee recommends that a specific section of the DODD website be dedicated to providing information on individual funds and personal belongings, including DODD recommended forms and videotaped training on the developed protocols and ISP development practices. We also recommend that the website include statistics on misappropriation MUIs and adverse actions taken as a result of money management issues.
9. The committee recommends that DODD sponsor a state-wide training on estate planning for individuals with disabilities.
10. The committee recommends that DODD make Info Notice 03-03-04, the attached protocols, and the attached required documents (monthly transaction record, gift card record and inventory record) available to providers at the time of certification as part of a "new provider" packet.
11. The committee recommends that guidelines be developed and made available to the field regarding the use of state start-up funds, specifically around the ownership of belongings purchased with the use of state start-up funds.
12. The committee recommends that DODD recognize the potential conflict of interest and potential for misappropriation in situations where the provider also acts as the payee for the individual being served and seek out alternatives to this type of situation.
13. The committee recommends that DODD work with OPRA and OACB to educate providers and county boards on how to ensure that providers, when applicable, are reimbursed for the provision of money management services.
14. The committee recommends that DODD explore with ODJFS allowing reimbursement to providers and county boards for services which are necessary to handle the financial needs and personal belongings of an individual after the death of the individual.

DODD has decided to move forward with the following recommendations:

1. Disseminate and provide training to providers, SSAs, and the field on the attached best practice standards and the associated DODD recommended forms.
2. DODD will present at the October 2011 PAR conference regarding the best practice standards and work with PAR on the development of a training curriculum which can be used by providers to train their direct support professionals.
3. DODD will begin work on drafting ethical guidelines which will be made available to providers with a request that the provider incorporate the guidelines into their internal policies and procedures.
4. DODD will include the best practice standards, recommended forms, info notices, and other resources in the MUI Tool Kit available on the DODD website.
5. DODD will work with the Parent Advisory Council on sponsoring a state-wide training on estate planning for individuals and their advocates.
6. DODD will work towards the development of guidelines around the use of start-up funds for SSAs, providers, individuals, and their teams.



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7. DODD will identify and share examples of successful alternatives to the practice of providers providing payee services to individuals they serve.

DODD, though recognizing the importance of them, has decided to place the following recommendations on hold at this time:

1. The development of a standardized money management assessment tool.
2. The development of a single money management rule that applies in all settings.
3. The ability to be reimbursed for services necessary to handle the financial needs and personal belongings of an individual after the death of an individual.

Personal Belongings/Personal Funds
Service Delivery Protocol

Purpose:

The purpose of this memorandum is to provide guidelines for the delivery of services when it has been determined, through assessment and inclusion in the Individual Service Plan that the provider will be responsible for or assist the individual with the management of personal funds and/or belongings:

Definitions:

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

Personal Funds - earned and unearned income retained by the individual after satisfying liability requirements to defray the costs of room and board or services as defined by state requirements, including patient liability for the cost of home and community-based waiver services (HCBS) as defined in rule 5101:1-39-95 of the Administrative Code; and federal requirements including, adherence to income restrictions necessary to maintain Medicaid eligibility when appropriate.

Social Security Funds - all income received on behalf of the individual from the Social Security Administration including SSI and SSDI.

ISP - Individual Service Plan

Inventory - a written accounting of an individual's personal belongings

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

Responsible Agent - The person or agency, other than the provider, identified in the Individual Service Plan who assumes the responsibility to determine the disposition of 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 appointed by the probate court having the authority to make decisions on behalf of an individual over the age of 18.

Process:

Personal Belongings

When it has been determined, through assessment that the provider will be responsible to assist the individual with management of personal belongings the provider shall:

1. Assess that each individual has an adequate amount of personal clothing in good repair, well fitting, and comparable in style to that worn by same-aged peers in the community and if he/she does not, make the team aware of the need.
2. Assess 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. Assess 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. Maintain an annually updated record of the individual's belongings with a value of \$50.00 or more which includes a full description of the item (brand name, color, size, serial number, etc).
5. Ensure that any item with a value of \$50.00 or more is added to the record at the time of purchase.
6. Appropriately discard, with the individual or guardian's approval, any item that is no longer in good repair, unsafe, or no longer meets the needs of the individual and update the individual's record accordingly (Approval must be documented when the item discarded has a value of \$50.00 or more).
7. Records should be maintained for seven (7) years.
8. Agency providers shall develop an ethics policy that addresses staff interaction with individuals in regards to personal belongings.
 - 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 Funds

When it has been determined, through assessment that the provider will be responsible for or assist the individual with management of personal funds:

1. Develop a policy that:
 - a. Establishes that personal funds are treated as the exclusive property of the individual to purchase items, goods, and services of his/her choosing.
 - b. Establishes that an individual is not required to use personal funds to purchase items that are reimbursable by other funding sources.
 - c. Ensures that an individual is not required to use personal funds to pay the difference between the costs of goods and services and the amount of payment received by the provider from third party payers for the same goods and services.
 - d. Prohibits staff from borrowing money from the individual, selling items to the individual, or buying personal items from the individual.
 - e. Recognizes that one individual's personal funds are not used to supplement or replace the personal funds of another individual.
 - f. Ensures that the personal funds of individuals are not commingled with the funds of the provider.
 - g. Promotes the practice that the individual has the right to manage his/her personal funds unless otherwise specified in the ISP.
 - h. Promotes the practice that when the plan indicates that the provider is responsible for managing the individual's personal funds, that the individual is involved to the greatest extent possible.
2. Track all transactions, 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 funds received
 - c. The source of all funds received
 - d. The signature of the person crediting the account
 - e. The amount and date of all funds withdrawn
 - f. The signature of the person receiving the withdrawn funds

For all accounts, for which the provider is responsible as identified in the individual service plan, the provider must develop a process of controls and oversights to accomplish the following:

1. For checking and savings accounts, the account balance must be reconciled 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 reconciled 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 ensure that all accounts are reconciled by a person other than the person who maintains the account at least once every 60 days. Documentation of the reconciliation must include:
 - a. Date of reconciliation
 - b. Signature of person doing the reconciliation
 - c. A detailed accounting of any discrepancies

For individual providers, the SSA will monitor the individual provider's reconciliation of these accounts.

4. When personal funds are received by the provider on behalf of the person, the provider must make the funds available 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 financial records available to the Payee for review.
7. When the individual has a guardian of the estate (financial guardian), the provider must make all financial records available to the guardian for review.
8. All funds expended by the provider on behalf of the individual shall be accompanied by a receipt unless otherwise specified in the ISP.
9. When personal funds are given to the individual, parent, or guardian to expend on behalf of the individual, the withdrawn funds shall be identified on the Account Transaction Record and signed by the person receiving the funds. A receipt is required for any item, with a purchase price of \$50.00 or more unless otherwise specified in the ISP.

10. When no receipt is available, the provider shall obtain an alternative proof of purchase which must be made available for review upon request.
11. Individual accounts are audited 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 individual funds, the results of which shall be made available to the County Board and DODD upon request.
12. Any discrepancies identified during a compliance review or audit which results in a *real* loss of personal funds to the individual shall result in the provider reimbursing the individual unless it is determined to be an MUI. In the event that it is determined to be an MUI, reimbursement will be determined and identified in the prevention plan.
13. Any required reimbursements shall be arranged with the team and a re-payment plan outlined in the ISP in order to ensure that the payback does not result in an individual exceeding the maximum resource limit for Medicaid eligibility.

Name of Individual: _____

Name of Provider: _____

Year: _____

[illegible]

Note: 1. Single items with price = or > \$50 are entered in the inventory record at the time of acquisition (O.A.C. 5123:2-3-12(C)(4))

2. Items **should not** be discarded, **without** the consent of the Individual or guardian.
3. Inventory record must be updated annually (OAC 5123:2-3-12(C)(3))
4. Use a new sheet every year to carry over the purchase date of items, the description of items and the inventory balances.
5. For final disposition, inventory **MUST** be signed by receiver.

Personal Belongings/Personal Funds
Admission/Initiation Protocol

Purpose:

The purpose of this memorandum is to provide guidelines regarding how to set up a process for handling an individual's personal belongings and/or individual funds when it has been determined, through assessment and inclusion in the Individual Service Plan that the provider will be responsible for or assist the individual with the management of personal funds and/or belongings:

Definitions:

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

Personal Funds - earned and unearned income retained by the individual after satisfying liability requirements to defray the costs of room and board or services as defined by state requirements, including patient liability for the cost of home and community-based waiver services (HCBS) as defined in rule 5101:1-39-95 of the Administrative Code; and federal requirements including, adherence to income restrictions necessary to maintain Medicaid eligibility when appropriate.

Social Security Funds - all income received on behalf of the individual from the Social Security Administration including SSI and SSDI.

ISP - Individual Service Plan

Inventory - a written accounting of an individual's personal belongings

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

Responsible Agent - The person or agency, other than the provider, identified in the Individual Service Plan who assumes the responsibility to determine the disposition of 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 appointed by the probate court having the authority 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 assist the individual with management of personal funds and/or belongings, the team should identify the following and include in the ISP:

1. Identify the entity (natural support or provider) responsible for handling the individual's personal belongings and/or funds and identify the parameters (maximum amount the provider can spend without team approval, use of ATM/Debit cards, maintenance of receipts, process for auditing accounts, etc) for handling the individual's personal belongings and/or funds.
2. If the individual has the ability to handle a portion of his/her personal belongings and/or funds, the parameters (ie: amount the individual can independently manage, the need for receipts, approval of the use of ATM/Debit cards, etc.) for doing such should be identified in the plan.
3. Identify what receipts must be maintained by the provider.
4. If the individual has a last will and testament, this should be addressed in the plan.
5. If the individual does not have a last will and testament, the need for one may be discussed by the team and appropriate legal counsel.
6. If it is determined that a last will and testament is not needed, the team should identify the person/agency that will act as the Responsible Agent. It is recommended that the team utilize Ohio's statute of descent and distribution, Ohio Revised Code 2105.06 to assist in identifying potential persons to fulfill this role.
7. The names and responsibilities of others who may be assisting with management of the individual's personal belongings and/or funds (ie: natural support, payee, guardian, trustee, etc.), including the entity/person responsible for monitoring and oversight.
8. Determine if the individual needs insurance for their personal belongings and how it will be paid for.
9. Determine if the individual would benefit from a free annual credit report, and if so, determine who is responsible for completing the report.
10. The responsibilities of the individual, the provider, the payee, and/or the guardian, regarding personal belongings and/or funds should be clearly identified in the plan.
11. When state start-up funds are utilized, ownership of items purchased with the start-up funds will be identified.
12. When the need is identified in the ISP, identify a system for managing and monitoring personal belongings with a value of \$50.00 or more through the use of an inventory or other type of tracking system which identifies ownership, disposal, and value of the belongings.

The Role of the Provider

Upon admission or initiation of services the provider should do the following:

1. Review the plan to ensure that it includes clear directives regarding the provider's responsibilities for assisting an individual with his/her personal belongings and/or funds.
2. Provide individual specific training to staff that will be responsible for providing assistance with the individual's personal belongings and/or funds.
3. When the need has been identified in the individual plan, complete an initial list of the individual's personal belongings, with a value of \$50.00 or more, within 14 days of admission or initiation of services (Department Recommended Form Attached).
4. Complete an accounting of the individual's personal funds, for which the provider is responsible, within 14 days of admission or initiation of services.
5. Initiate the use of an Account Transaction Record (Department Recommended Form Attached) for each account for which the provider is responsible.

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|---|
| MONTHLY INDIVIDUAL FUNDS TRANSACTION RECORD |
|---|

INDIVIDUAL'S NAME: _____

MONTH/YEAR: _____

[illegible]

Balance C/Fwd

Reviewer's Signature

Date _____

Note: Reconciliation of the Transactions Record should be done no later than 60 days, from the date of the first entry
A receipt for each transaction must be attached

Personal Belongings/Personal Funds
Discharge or Death Protocol

Purpose:

The purpose of this memorandum is to give providers guidelines regarding the disposition of an individual's belongings and funds at the time of discharge or death when it has been determined, through assessment and inclusion in the Individual Service Plan, that the provider will be responsible for or assist the individual with the management of personal funds and/or belongings.

Definitions:

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

Personal Funds - earned and unearned income retained by the individual after satisfying liability requirements to defray the costs of room and board or services as defined by state requirements, including patient liability for the cost of home and community-based waiver services (HCBS) as defined in rule 5101:1-39-95 of the Administrative Code; and federal requirements including, adherence to income restrictions necessary to maintain Medicaid eligibility when appropriate.

Social Security Funds - all income received on behalf of the individual from the Social Security Administration including SSI and SSDI.

Discharge - the movement of an individual from one licensed facility to another licensed facility not under the jurisdiction of the same provider or the termination of services, either by the individual or the provider, for an individual who lives in a non-licensed setting.

ISP - Individual Service Plan

Inventory - a written accounting of an individual's personal belongings

Discharge summary - a written report to be completed by the provider at the time of the individual's discharge or death

Payee: Individual or agency assigned the authority, by the Social Security Administration, to manage an individual's Social Security benefits

Responsible Agent: The person or agency, other than the provider, identified in the Individual Service Plan ~~having the authority~~ *who assumes the responsibility* to determine the disposition of 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.

Guardian: The person or agency appointed by the probate court having the authority to make decisions on behalf of an individual over the age of 18.

Upon the Discharge or termination of services, 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 provide the individual, guardian, and Service and Support Administrator 30 days notice to terminate services.
- c. An individual receiving services may terminate services at any time by notifying the provider and the Service and Support Administrator of his/her decision to terminate services.

2. Personal Belongings

- a. Complete a final record of the individuals belongings within 30 days of notification of discharge/termination using the Department Recommended form (attached) or similar format which includes the same elements.
- b. Make arrangements for the individual, guardian, Service and Support Administrator, or Responsible Agent to obtain belongings within 30 days of discharge/termination.
- c. Ensure that the person obtaining the individual's belongings signs the final record (One copy for the provider, one copy for the individual and one copy for the person obtaining the belongings).

3. Personal Funds

- a. Release any balance of personal funds, after deducting for actual or estimated liabilities owed by the individual, at the time of discharge/termination. If the individual initiates immediate termination of services, the provider has 14 days from the date of notification to release funds.
- b. Provide the individual or guardian with a final itemized statement of personal funds and any remaining personal funds within 30 days of discharge/termination.

Death of an Individual

At the time of death, the Responsible Agent shall:

1. Ensure notification of the individual's death is made to the Department of Jobs and Family Services if the individual was a Medicaid recipient.
2. Ensure that any required reimbursement of benefits is returned to the Department of Jobs and Family Services.
3. Contact the Probate Court or Legal Representative to determine any necessary legal action to be taken.
4. Make decisions regarding the disbursement of the individual's belongings.
5. Make decisions regarding the disbursement of the individual's fund.

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

1. Ensure notification of the individual's death is made to the Social Security Administration.
2. Ensure that any required reimbursement of benefits is returned to the Social Security Administration.

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

1. Notifications
 - a. Notify 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, notify the Social Security Administration.
2. Personal Belongings
 - a. Complete a final record of the individuals belongings within 14 days of death, using the Department Approved form (attached).
 - b. Make arrangements for the administrator of the estate, family members, or Responsible Agent to obtain belongings within 30 days of death.
 - c. Ensure that the person obtaining the individual's belongings signs the final record (One copy for the provider and one copy for the person obtaining the belongings).
 - d. Complete a final inventory of all medications within 24 hours.
 - e. Unused medication must be disposed of 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 disposed of by the provider, documentation of the disposal must be kept and signed by the person disposing of the medication and one witness.