

87217 Safeguards for Resident Cash, Personal Property, and Valuables

(a)

A licensee shall not be required to handle residents' cash resources. However, if a resident incapable of handling his own cash resources, as documented by the initial or subsequent appraisal, is accepted for care, his cash resource shall be safeguarded in accordance with the regulations in this section.

(b)

Every facility shall take appropriate measures to safeguard residents' cash resources, personal property and valuables which have been entrusted to the licensee or facility staff. The licensee shall give the residents receipts for all such articles or cash resources.

(c)

Every facility shall account for any cash resources entrusted to the care or control of the licensee or facility staff.(1) Cash resources include but are not limited to monetary gifts, tax credits and/or refunds, earnings from employment or workshops, and personal and incidental need allowances from funding sources such as SSI-SSP.

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(d)

Except as provided in approved continuing care agreements, no licensee or employee of a facility shall: (1) accept appointment as a guardian or conservator of the person and/or estate of any resident; (2) accept any general or special power of attorney for any such person; (3) become substitute payee for any payments made to any persons; (A) This requirement does not apply to a licensee who is appointed by the Social Security Administration as representative payee for the resident. (4) become the joint tenant on any account specified in Section 87217(h) with a resident.

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(e)

Cash resources and valuables of residents which are handled by the licensee for safekeeping shall not be commingled with or used as the facility funds or petty cash, and shall be separate, intact and free from any liability the licensee incurs in the use of his own or the facility's funds and valuables. This does not prohibit the licensee from providing advances or loans to residents from facility money.

(f)

No licensee or employee of a facility shall make expenditures from residents' cash resources for any basic service specified in this Chapter, or for any basic services identified in a contract/admission agreement between the resident and facility. (1) This requirement does not apply to a licensee who is appointed by the Social Security Administration as representative payee for the resident.

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(g)

Each licensee shall maintain adequate safeguards and accurate records of cash resources and valuables entrusted to his care, including, but not limited to the following: (1) Records of residents' cash resources maintained as a drawing account shall include a ledger accounting (columns for income, disbursements and balance) for each resident, and supporting receipts filed in chronological order. Each accounting shall be kept current. (A) An acceptable receipt where cash is provided to residents from their respective accounts, includes: the resident's signature or mark, or responsible party's full signature, and a statement acknowledging receipt of the amount and date received. An acceptable form of receipt would include: "(full signature of resident) accepts (dollar amount) (amount written in cursive), this date (date), from (payor)." (B) An acceptable

receipt where purchases are made for the resident, from his account, is the store receipt. (2) Records of residents' cash resources and other valuables entrusted to the licensee for safekeeping shall include a copy of the receipt furnished to the resident as specified in (b) above or to his responsible person. The receipt provided to the resident for money or valuables entrusted to the licensee shall be original and include the resident's and/or his responsible person's signature. (3) Bank records for transactions of cash resources deposited in and drawn from the account as specified in (h) below.

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Records of residents' cash resources and other valuables entrusted to the licensee for safekeeping shall include a copy of the receipt furnished to the resident as specified in (b) above or to his responsible person. The receipt provided to the resident for money or valuables entrusted to the licensee shall be original and include the resident's and/or his responsible person's signature.

(3)

Bank records for transactions of cash resources deposited in and drawn from the account as specified in (h) below.

(h)

Immediately upon admission, residents' cash resources entrusted to the licensee and not kept in the licensed facility shall be deposited in any type of bank, savings and loan or credit union account, which is maintained separate from the personal or business accounts of the licensee, provided that the account title clearly notes that it is residents' money and the resident has access to the money upon demand to the licensee.(1) Such accounts shall be maintained in a local bank, savings and loan or credit union authorized to do business in California, the deposits of which are insured by a branch of the Federal Government; except, however, that a local public agency may deposit such funds with the public treasurer. (2) Cash resources entrusted to the licensee for residents and kept on the facility premises shall be kept in a locked and secure location.

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(i)

Upon discharge of a resident, all cash resources, personal property and valuables of that resident which have been entrusted to the licensee shall be surrendered to the resident, or his responsible person. A signed receipt shall be obtained.

(j)

Upon the death of a resident, all cash resources, personal property, and valuables of that resident shall immediately be safeguarded. (1) All cash resources shall be placed in an account as specified in (g) above. (2) The executor or the administrator of the estate shall be notified by the licensee, and the cash resources, personal property, and valuables surrendered to said party. (3) If no executor or administrator has been appointed, the responsible person shall be notified, and the cash resources, personal property, and valuables shall be surrendered to said person in exchange for a signed itemized receipt. (4) If the licensee is unable to notify a responsible party as specified above, immediate written notice of the resident's death shall be given to the public administrator of the county as provided by Section 7600.5 of the California Probate Code.

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If the licensee is unable to notify a responsible party as specified above, immediate written notice of the resident's death shall be given to the public administrator of the county as provided by Section 7600.5 of the California Probate Code.

(k)

Whenever there is a change of licensee, the licensee shall: (1) notify the licensing agency of any pending change of licensee, and (2) shall provide the licensing agency an accounting of all residents' cash resources, personal property and valuables entrusted to his/her care. Such accounting shall be made on a form provided or approved by the Department.

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(l)

When the licensing agency approves the application for the new licensee, the form specified in (2) above shall be updated, signed by both parties, and forwarded to the licensing agency.

(m)

All monetary gifts, and any gift exceeding an estimated value of \$100, which are

given to a licensee by or on behalf of a resident shall be recorded. The record shall be attached to the account specified in (f) above. This shall not include monetary gifts or valuables given by the friends or relatives of a deceased resident.