

CASH RESOURCE PROCEDURES FOR ADULT FOSTER CARE PROGRAMS

Pursuant to MN Statutes, section 245A.04, subdivision 13:

- A license holder must ensure that persons served by the program retain the use and availability of personal funds or property unless restrictions are justified in the person's individual plan. This subdivision does not apply to programs governed by the provisions in section 245B.07, subdivision 10.
- The license holder must ensure separation of funds of persons served by the program from funds of the license holder, the program, or program staff.
- Whenever the license holder assists a person served by the program with the safekeeping of funds or other property, the license holder must:
 - (1) immediately document receipt and disbursement of the person's funds or other property at the time of receipt or disbursement, including the person's signature, or the signature of the conservator or payee; and
 - (2) return to the person upon the person's request, funds and property in the license holder's possession subject to restrictions in the person's treatment plan, as soon as possible, but no later than three working days after the date of request.
- License holders and program staff must not:
 - (1) borrow money from a person served by the program;
 - (2) purchase personal items from a person served by the program;
 - (3) sell merchandise or personal services to a person served by the program;
 - (4) require a person served by the program to purchase items for which the facility holder is eligible for reimbursement; or
 - (5) use funds of persons served by the program to purchase items for which the facility is already receiving public or private payments.

Additionally, under Minnesota Rules, part 9555.6265, if a resident's social worker determines that a resident needs and wants assistance safeguarding cash resources, any cash resources entrusted to LH must be handled as follows:

- The resident and the resident's legal representative must be given a receipt by the LH. Receipts must be signed by the resident or the resident's legal representative.

- The LH may only be entrusted with a maximum of \$300 cash plus resources sufficient to meet one month's cost of care.
- The resident or resident's legal representative must have access to the written records involving the resident's funds.
- The LH must give the resident or the resident's legal representative a written quarterly statement that shows all financial transactions made for the resident.
- When a resident dies or moves all cash resources must be given to the resident or the resident's legal rep, including the executor or administrator of the resident's estate. An itemized receipt must be given to the LH when this occurs.

Safeguarding cash is defined in Minnesota Rules, part 9555.6235. Safeguarding cash includes:

- Banking
- Reporting the resident's earning to appropriate agencies
- Keeping records of financial information, including checks issued and checks received
- Accounting for the resident's funds that are controlled by the LH

Financial exploitation is defined in Minnesota Statutes, section 626.5572, subdivision 9 as:

- Spending a vulnerable adult's (VA) funds without authorization which results in or will likely result in detriment to the VA.
- Failing to use a VA's financial resources to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the VA and the failure results or will likely result in detriment to the VA.
- In the absence of legal authority a person:
 - (1) willfully uses, withholds, or disposes of funds or property of a VA;
 - (2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the VA;
 - (3) acquires possession or control of, or an interest in, funds or property of a VA through the use of undue influence, harassment, duress, deception, or fraud; or
 - (4) forces, compels, coerces, or entices a VA against the VA's will to perform services for the profit or advantage of another.