

410 IAC 16.2-3.1-6 Protection of resident funds

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

Sec. 6.

(a) The resident has the right to manage his or her financial affairs, and the facility may not require residents to deposit their personal funds with the facility.

(b) Upon written authorization of the resident, the facility must hold, safeguard, manage, and account for personal funds of the resident deposited with the facility.

(c) Unless otherwise required by federal law, the facility must deposit any residents' personal funds in excess of fifty dollars (\$50) in an interest bearing account (or accounts) that is separate from any of the facility's operating accounts, and that credits all interest earned on the resident's funds to his or her account. (In pooled accounts, there must be a separate accounting for each resident's share.)

(d) The facility must maintain residents' personal funds that do not exceed fifty dollars (\$50) in a noninterest bearing account, interest bearing, or petty cash fund.

(e) The facility must establish and maintain a system that assures a full, complete, and separate accounting according to generally accepted accounting principles, of each resident's personal funds entrusted to the facility on the resident's behalf. The system must preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident.

(f) The facility must:

(1) provide reasonable access during normal business hours to the funds in the account;

(2) return to the resident in not later than fifteen (15) calendar days, upon written request, all or any part of the resident's funds given to the facility for safekeeping; and

(3) provide reasonable access during normal business hours, to the written records of all financial transactions involving the individual resident's funds upon request.

(g) The individual financial record must be provided to the resident or his or her legal representative upon request of the resident and through quarterly statements.

(h) Upon the death of a resident with a personal fund deposited with the facility, the facility must convey within thirty (30) days the resident's funds, and a final accounting of those funds, to the individual or the probate jurisdiction administering the resident's estate.

(i) The facility must purchase surety bond insurance, or otherwise provide assurance satisfactory to the state survey agency, to assure the security of all personal funds of residents deposited with the facility.

(j) The facility may not impose a charge against the personal funds of a resident for any item or service for which payment is made under Medicaid or Medicare.

(k) For purposes of IC 16-28-5-1, a breach of:

(1) subsection (a), (b), (c), (d), (e), (f), (g), (h), or (j) is a noncompliance; and

(2) subsection (i) is a nonconformance.

*(Indiana State Department of Health; 410 IAC 16.2-3.1-6; filed Jan 10, 1997, 4:00 p.m.:
20 IR 1531, eff Apr 1, 1997; errata filed
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