

**NOTE TO REVIEWERS OF THIS DRAFT:**

This draft is written in the style used by the Office of the Secretary of State when publishing proposed rule amendments in the *Missouri Register*.

Text to be deleted in the amendment is shown in brackets and italics: *[to be deleted]*

New text to be added in the amendment is shown in bold: **New Text**

**Title 9—DEPARTMENT OF  
MENTAL HEALTH  
Division 25—Fiscal Management  
Chapter 5—Administration of  
*[Personal Spending]* Individual Funds**

**9 CSR 25-5.010 Guidelines for *[Planning Client Personal Spending Allowances]*  
Administration of Individual Funds**

***PURPOSE:*** *This amendment revises the rule to describe the current policy and procedures for administering funds for individuals receiving supports and services funded by the department for whom the department is payee of their benefits, and for individuals' whose payee uses the banking system operated by the Department of Mental Health. The amendment also updates the rule with more current terminology in the fields of developmental disabilities and mental health.*

***PURPOSE:*** *This rule prescribes guidelines for *[planning client personal spending allowances]* expenditures for *[department clients]* individuals for whom the Department of Mental Health maintains and manages funds and who receive supports and services *[in residential facilities]* operated or funded by the department.*

*[(1) As set out in 9 CSR 10.31.011(7)(A), department staff as authorized in facility policies shall specify personal spending acceptable uses and allowances of twenty-five dollars (\$25) or more per month in long term residential clients' individualized habilitation treatment or rehabilitation plans (IHP, ITP, IRP) from client income or assets. The client, parent, a minor client, guardian or protector shall participate in any discussion or decision to the maximum extent possible to specify personal spending acceptable uses and allowances. The staff shall consider the following factors when planning for the personal spending needs of the clients:*

*(A) Whether the planned personal expenditures will facilitate the client's earliest possible rehabilitation or transfer to a less restrictive environment;*

*(B) Whether the planned personal expenditures will help the client live as normally as possible within the facility;*

*(C) Whether planned personal expenditures for a particular purpose are reasonable in view of the cost of the item (for example, could similar quality be found at a lower price or would travel expenses be more reasonable under Office of Administration travel guidelines?), the total needs of the client and the extent of the client's use of and benefits from each expenditure;*

*(D) Whether funds or assistance from another public or private group or agency might be used to purchase the item for the client (for example, a church group may purchase an item for the client); and*

**NOTE TO REVIEWERS OF THIS DRAFT:**

This draft is written in the style used by the Office of the Secretary of State when publishing proposed rule amendments in the *Missouri Register*.

Text to be deleted in the amendment is shown in brackets and italics: *[to be deleted]*

New text to be added in the amendment is shown in bold: **New Text**

*(E) Whether item or service is already to be furnished by department facility or through department contract with a placement facility. If to be so furnished, department staff shall not authorize personal spending to be used for such purposes (for example, a group home is to furnish toothpaste but the client may prefer a certain name brand; thus, department staff can permit the client to purchase the item using his/her own funds after consideration of the factors as set out in this section but client funds are not otherwise to be used to buy toothpaste).*

*(2) If needed for a client to maintain an interest in life, to keep up personal appearance or to allow socialization as much as possible, the following items or services shall be included as acceptable uses for a client's personal spending allocation as specified in the IHP, ITP or IRP:*

*(A) Personal articles or services (for example, electric razors, alarm clocks, curling irons, haircuts or styling, permanents, deodorant, shaving lotion, talcum powder, cosmetics, perfume, cologne, special soap, hand lotion, hairbrushes, hair blowers, shampoo, wrist or pocket watches, jewelry);*

*(B) Recreational items and equipment (for example, bicycles or three-wheelers, magazines or newspaper subscriptions, aquariums, plants, gardening equipment, cameras and film, radios, television sets, tape recorders, musical instruments, music lessons, records, books, playing cards, sporting equipment, toys, stuffed animals, typewriters, tickets to theatrical and sporting events, devices to adapt recreational items for client's use, miniature golf courses and other recreational fees);*

*(C) Room furnishings (for example, lamps, mobiles, pictures, posters, decorative pillows, throw rugs, waterbeds, individualized bedspreads and curtains, colorful printed bed linens, hampers, lockable storage chests, full-length mirrors, rocking or easy chairs);*

*(D) Personal clothing (for example, all usual articles of clothing, orthopedic shoes, bed jackets, slippers, support hosiery, gloves, scarves, hats, swimsuits and hats, umbrellas, rainboots, raincoats, outerwear, earmuffs); and*

*(E) Miscellaneous items or services (for example, fruit, candies, confections, tobacco, stationery, postage stamps, calendars, address books, flashlights, restaurant meals, movies, trips to recreational areas, summer camp fees, telephone calls to relatives or friends, gifts for friends or relatives, costs of conditional releases, expenses involved with visits to relatives or relatives' visits to the client, repairs to personal items or equipment, the department life insurance program).*

*(3) If parents, spouses, siblings, children or unrelated guardians or clients request, in writing to the head of a department facility, full or partial reimbursement of expenses to visit the clients, the head of the facility may approve reimbursement for relatives as allowed for unreimbursed charitable mileage expenses and for guardian as allowed for unreimbursed business expenses, respectively by the federal tax law, and actual meal and lodging expenses in advance of the visit under the following criteria:*

*(A) Each visit shall meet a specified need as documented in the IHP, ITP or IRP of the client to help the client live as normal a life as practicable at the facility;*

**NOTE TO REVIEWERS OF THIS DRAFT:**

This draft is written in the style used by the Office of the Secretary of State when publishing proposed rule amendments in the *Missouri Register*.

Text to be deleted in the amendment is shown in brackets and italics: *[to be deleted]*

New text to be added in the amendment is shown in bold: **New Text**

*(B) Department staff shall not apply the client's personal funds to the payment of relatives' expenses if the client funds are required to satisfy some other individual needs of equal or greater importance as determined by the head of the department facility supervising the client. This decision can be appealed in writing with reasons stated to the department director; and*

*(C) The parents, spouses, siblings or children shall sign a statement that they could not visit without the reimbursement because they are unable to pay the costs. Guardians shall sign such a statement that the visit is for guardian business.*

*(4) Department facilities which are representative payees may allow personal funds to be used for group purchases under the following evaluation criteria:*

*(A) In the IHP, ITP or IRP, department staff shall assure that the item to be purchased meets a specified need of each participating client and helps the client live as normal a life as practicable in the facility operated or funded by the department;*

*(B) Department staff shall not apply a client's personal funds to a group purchase if the funds are required to satisfy some other client need of equal or greater importance. The department staff shall not substantially deplete a client's personal funds to enable participation in a group purchase. Department staff shall provide a statement that none of the contributing clients currently has unmet needs. (Currently means at the time when the purchase is actually made or the funds for the purchase are obligated, and a reasonable projection in the foreseeable future, for example, exceeding one to three (1—3) months.)*

*(C) Department staff shall not use personal funds of clients to purchase any item which the facility, that is operated or funded by the department, would be expected to provide as part of its responsibility to care for the client;*

*(D) The amount which any one client contributes shall be proportionate to the client's personal use of or advantage from such a purchase as specified in the IHP, ITP or IRP. Additionally, an equal amount generally shall be contributed by each client able to afford such a purchase for personal spending funds if the use is the same unless any contributions are from a general patient funds account to make personal needs expenditures for those patients lacking personal funds to contribute; and*

*(E) Department staff shall not have any client contribute to a group purchase if the client is expected to leave the facility, that is operated or funded by the department, in the near future or would otherwise not be in the position to benefit from the purchase to an extent at least equal to the value of the client's contribution as specified in the IHP, ITP or IRP.*

*(5) Department staff shall submit, in writing, proposals for group purchases of large merchandise (for example, color televisions, microwaves and trampolines) to the reimbursement administrator in central office for approval. For any group purchase (large or small) involving Social Security Title II or XVI benefits, department staff shall send all proposals to the department reimbursement administrator. The administrator shall transmit such proposals involving such benefits for approval to the regional office of the Social Security Administration. The reimbursement administrator shall notify the head of the requesting facility of the approval or denial, with reasons specified, for any denial.]*

**NOTE TO REVIEWERS OF THIS DRAFT:**

This draft is written in the style used by the Office of the Secretary of State when publishing proposed rule amendments in the *Missouri Register*.

Text to be deleted in the amendment is shown in brackets and italics: *[to be deleted]*

New text to be added in the amendment is shown in bold: **New Text**

**(1) Definitions.**

**(A) Chaperone expenses-** Chaperone expenses are unavoidable indirect costs incurred by direct care staff assisting individuals accessing community events or traveling. These costs include, but are not limited to movie tickets, event admissions, meals, lodging, and mileage;

**(B) Individual-person receiving supports and services funded by the department of mental health;**

**(C) Department – department of mental health (DMH).** The term DMH includes Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) as defined in 42 CFR section 440.150, RSMo owned or operated by DMH, psychiatric residential treatment facilities owned or operated by DMH, and home and community-based waiver services owned or operated by DMH;

**(D) Individual support plan (ISP)--** A document that results from the person centered planning process, which identifies the strengths, capacities, preferences, needs and personal outcomes of the individual. The ISP includes a personalized mix of paid and non-paid services and supports that will assist the person to achieve personally defined outcomes;

**(E) Individual treatment plan (ITP)—** Written document directed by the individual seeking assistance for a behavioral health condition (or the parent/legal guardian) that identifies his/her strengths, goals, preferences, abilities, needs (medical and behavioral health) and desired outcomes for a healthy lifestyle in the community. Staff, family/natural supports, and other team members participate in the development of the plan and assist the individual in identifying and accessing a mix of services and supports to meet their needs and achieve their desired goals for recovery and resiliency;

**(F) MO HealthNet-Missouri's Medicaid program authorized under Title XIX of the Social Security Act;**

**(G) Natural supports-** unpaid support provided through relationships that occur in everyday life. Natural supports typically involve family members, friends, co-workers, neighbors, acquaintances, and community resources;

**(H) Provider—**any individual or entity under contract with DMH to serve individuals receiving services reimbursed through DMH; and

**(I) Representative payee-** A person or organization approved to receive payment of individual funds.

**(2) Management and expenditure of individual funds;**

**(A) DMH shall maintain a banking system for the management of individual funds.**

**(B) Individuals' funds shall be used for the following purposes:**

- 1. For basic needs including but not limited to food, clothing, rent, utilities, room and board in a facility and other living expenses;**

**NOTE TO REVIEWERS OF THIS DRAFT:**

This draft is written in the style used by the Office of the Secretary of State when publishing proposed rule amendments in the *Missouri Register*.

Text to be deleted in the amendment is shown in brackets and italics: *[to be deleted]*

New text to be added in the amendment is shown in bold: **New Text**

2. Health related expenses including but not limited to medical insurance and/or MO HealthNet monthly premiums, co-payments, medical expenses not covered by private insurance, Medicare or MO HealthNet, and over-the-counter medical and health items;
  3. Pre-paid burial plans or life insurance;
  4. Recreational activities; when funds are available after all other needs listed in (2)(B) 1. through 3. of this rule are met;
  5. Chaperone expenses; when funds are available after all other needs listed in (2)(B)1. Through 3. of this rule are met, and when all of the following criteria are met:
    - A. There is a correlation between the chaperone expense and a direct benefit to the individual;
    - B. The chaperone's expense are not covered by the individual's provider of service;
    - C. Individual funds are not used for direct compensation for the chaperone (ie, salary or hourly wage)' and
    - D. The expenditure complies with the representative payee guidelines for expending benefit income.
  6. For individuals who are not involuntarily committed to a mental health facility, goods, services and supports to enable the individual to have full access to the community, when those goods, services and supports are not otherwise available through a public program or cannot be provided by natural supports, and when funds are available after all other needs listed in (2)(B) 1 through 3. of this rule are met.
    - (C) Unspent funds shall be maintained in the DMH banking system and may be used for other needs identified in the ISP or ITP or otherwise approved.
- (3) DMH shall manage the funds for individuals eligible for MO Health Net to ensure that total financial assets remain below the current MO HealthNet asset maximum as permitted in Section 208.010 RSMo, so that the individual will not become ineligible for MO HealthNet.
- (4) DMH shall manage the funds for individuals receiving Supplemental Security Income (SSI) so that total financial assets remain below the current asset maximum as permitted by the Social Security Administration.
- (5) Personal spending allowance
  - (A) Individuals who receive Social Security benefits shall have access, at a minimum, to the personal spending allowance as established by the Social Security Administration;
  - (B) Individuals eligible for MO HealthNet who are residents of an institution shall have access to the personal needs allowance as permitted under RSMo 208.016; and

**NOTE TO REVIEWERS OF THIS DRAFT:**

This draft is written in the style used by the Office of the Secretary of State when publishing proposed rule amendments in the *Missouri Register*.

Text to be deleted in the amendment is shown in brackets and italics: *[to be deleted]*

New text to be added in the amendment is shown in bold: **New Text**

**(C) Additional funds for personal spending may be made available according to the ISP or ITP and funds available in the individual's account.**

**(6) Individuals or providers receiving disbursements from the DMH banking system shall cooperate with fiscal reviews conducted by DMH staff to ensure individual's funds are used for the benefit of the individual in accordance with the individual's ISP, ITP and the representative payee guidelines for expending benefit income.**

*AUTHORITY: section 630.050, RSMo ([1994]Supp. 2013).\* Original rule filed Oct. 19, 1984, effective Feb. 11, 1985.*

draft