



Informational Memo

Individual Purchases and Item Storage

ODP Communication Number: Memo 049-10

Audience: Administrative Entities
Supports Coordination Organizations
Providers of Residential Services
Individuals and Families
Other Interested Parties

Purpose: The purpose of this communication is to provide information related to individuals living in residential settings who voluntarily choose to make purchases for items such as food, snacks, beverages and personal items.

The following referenced documents include information related to financial exploitation and individual purchases that will assist in determining the allowances for such purchases.

- Office of Developmental Programs (ODP) Bulletin #6000-04-01, *Incident Management*
- The Consolidated and Person/Family Directed Support (P/FDS) Waivers.
- The following 55 Pa. Code Chapter 6400 citations:
 - 6400.22(b) The home's policy may not prohibit the individual's right to manage the individual's own finances.
 - 6400.22(c) Individual funds and property shall be used for the individual's benefit.
 - 6400.31(c) Each individual shall be encouraged to exercise his rights.
 - 6400.32 An individual may not be deprived of rights.
 - 6400.33(c) An individual has the right to manage personal financial affairs.
 - 6400.33(f) An individual has the right to receive, purchase, have and use personal property.
- The following 55 Pa. Code Chapter 6500 citations:
 - 6500.24(b) The policy may not prohibit or interfere with the individual's right to manage the individual's own finances.

- 6500.24(c) An individual's funds and property shall be used for the individual's benefit.
 - 6500.31(c) Each individual shall be encouraged to exercise the individual's rights.
 - 6500.32 An individual may not be deprived of rights.
 - 6500.33(c) An individual has the right to manage the individual's personal financial affairs.
 - 6500.33(f) An individual has the right to receive, purchase, have and use personal property.
- 55 Pa. Code Chapter 6200 (relating to Room and Board Regulations).

The key word in many of these documents is "voluntarily". Voluntarily is defined as: of free will; arising, acting or resulting from an individual's own choice or decision rather than because of external force or pressure. Therefore, an individual may purchase an item with personal funds, when the individual voluntarily chooses to do so.

The definition of voluntarily should not be interpreted to mean that because an individual wants an item, that the individual must pay for the item. The residential provider is still responsible to purchase items covered by the room and board regulations including items of the individual's choosing. However, if the provider has supplied items chosen by the individual and others residing at the home and the individual then chooses to purchase a different item or more of the same item specifically for themselves, the individual may and shall be able to purchase said items with personal funds.

In addition, an individual shall have and use personal property; and therefore can store an item purchased with personal funds in a personal space of the individual's choice. Although items may be stored in a spot utilized by the entire household (for example: in a refrigerator or cabinet in the kitchen), an individual shall not be prohibited from keeping an item purchased with personal funds in a personal living space of the individual's choosing, such as the individual's bedroom or personal storage area (for example: in a compact refrigerator, cabinet, closet or shelf located in the individual's bedroom).

ODP is aware that a provider may have concerns regarding specific individual situations. In the event there are concerns, the provider shall work with the individual's team in order to address those concerns in compliance with ODP policies, the approved Waivers and regulations.

Questions regarding this communication, the regulations, policies and Waivers should be directed to the appropriate Regional ODP Program Office.