

**DEPARTMENT OF STATE HOSPITALS**  
**PROPERTY TRANSFER BETWEEN PATIENTS REGULATIONS**

California Code of Regulations  
Title 9. Rehabilitative and Developmental Services  
Division 1. Department of Mental Health  
Chapter 4.5. Patients' Rights and Related Procedures for Non-Lanterman-Petris-Short  
Act Patients in Department of Mental Health Facilities  
Article 3. General Limitations Applicable to Non-LPS Patients

Section 893 Property Transfer Between Patients

(a) Patients shall not buy, sell, trade, or gift any property or items on the contraband list of the Department of State Hospitals (Department), or the contraband list of the facility in which the patient is committed.

(b) Prior to any transfer of property, patients must first obtain an approval from their treatment team.

(c) The Department may prohibit patients from buying, selling, trading, or gifting property between patients.

(1) If the buying, selling, trading, or gifting of personal property is prohibited, property found in the possession of a patient identified as having been bought, traded, or gifted will be confiscated.

(A) The patient's treatment team may arrange for the return of the confiscated property to the original owner, who sold, traded or gifted the property, if identified and the property is not contraband.

(B) If the original owner, who sold, traded or gifted the property, is not identified, the confiscated property will be deemed as unidentified property.

(C) If a patient contests property confiscation under subdivision (b)(1), the patient may submit a written request for review to the program director within ten working days of the date of confiscation.

1. The program director, or designee, will respond to the written request of the patient within thirty calendar days.

2. If the request contesting the confiscation is approved, the Department will return the property to the patient from which it was confiscated. If the request contesting the confiscation is denied, or the property remains unidentified, the Department may arrange for an alternate disposition of the property.

(2) If the buying, selling, trading, or gifting of property is permitted, that permission will be based upon the following processes and considerations:

(A) The patients involved in the transfer must mutually agree on the transfer of the property.

(B) To determine the appropriateness of the transfer, the treatment team for each patient will consider the following factors:

1. Competency and cognitive functioning of the patients;
2. Identified behaviors, risk factors, and history of the patients;
3. Security needs of the facility;
4. Health concerns of the patients;
5. Sanitation concerns of the patients or facility;
6. Infection control considerations;
7. Physical space limitations of the facility, including fire code restrictions and regulations; and,
8. Environmental health guidelines.

(C) In addition to subdivision (b)(2)(B), transfer requests between patients that include money or other transfer of value will be reviewed for the following:

1. Safety and/or security risks associated with the transaction;
2. Multiple requests to or from the same patient or individuals not committed to the facility;
3. Gifting of high-value items; and,
4. An unreasonably high number of items in one transfer.

(D) The treatment team review of the request to buy, sell, trade, or gift property will be approved or denied by the program director, or designee.

(E) If approved, the treatment team will document the approval.

(3) For facilities with an onsite canteen, defined in these regulations as a location for the sale to or for the benefit of patients of the institution of candies, sundries, and other articles, patients may purchase items for other patients under the following conditions:

(A) The patients participating in the purchase must mutually agree to the purchase.

(B) Prior to each purchase, patients must first obtain an approval from their treatment team.

(C) Upon receiving the approval of the treatment team, the unit supervisor, or designee, will issue a document that the patients will present along with their identification badges to a canteen staff member.

(D) All food items purchased in this manner are to be consumed in an area approved by the Department.

(E) Canteen staff will return the documents provided by the patients to their respective unit supervisor.

Note: Authority cited: Sections 4005.1, 4109, and 4101, Welfare and Institutions Code.