

**DEPARTMENT OF STATE HOSPITALS  
15-DAY MODIFIED REGULATION TEXT  
PROPERTY TRANSFER BETWEEN PATIENTS**

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)~~(a) The Department of State Hospitals, or each state hospital, 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 at the state hospital, state hospital staff will confiscate 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~~ will arrange for the return of the confiscated property to the original owner, who sold, traded or gifted the property, if identified and the confiscated property is not contraband, illegal, or otherwise prohibited on state hospital grounds.
- (B) If the original owner, who sold, traded or gifted the property, ~~is not~~ cannot be identified, the confiscated property will be deemed as unidentified property.
- (C) If a patient contests property confiscation under subdivision ~~(b)(a)~~ (1), the patient may submit a written request for review to the program director within ~~ten~~ 10 working days of the date of confiscation.
1. The program director, or designee, will respond to the written request of the patient within ~~thirty~~ 30 calendar days.

2. If the request contesting the confiscation is approved, the Department state hospital 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 state hospital 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)~~(a)(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~~ The fair-market value of the item(s); and,

4. ~~An unreasonably high~~The 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 within 30 calendar days.
- (E) If approved, the treatment team will document the approval.
- (3) For facilities with an onsite canteen, store, or other similar establishment for the purchase of food or other goods, ~~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. Approvals for the purchase of food items will be approved immediately by the treatment team, unless the treatment team is aware of any health, safety, or security concerns that may result from an approval of this request.
- (C) Upon receiving the approval of the treatment team, the unit supervisor, or designee, ~~will~~ may 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~~ state hospital.
- (E) Canteen staff will return ~~the~~ any purchase approval documents provided by the patients to their respective unit supervisor.

Note: Authority cited: Sections 4005.1, 4109~~1~~, and 4104~~9~~, Welfare and Institutions Code. Reference: Section 4109, Welfare and Institutions Code.