

## **Theft and Loss**

Under the Nursing Home Reform Act of 1987, residents have the right to retain possession of their personal belongings and are entitled to a safe environment free of theft and loss. Feelings of insecurity, loss of self-esteem, and loss of identity are the end result of missing or stolen items, including clothing, jewelry, dentures, eyeglasses, and hearing aids. The right to personal possessions assures a familiar homelike environment where residents preserve control over their personal being. This information sheet presents for residents and family members the preventative measures and remedies for a resident's deprivation of their personal effects.

### **PREVENTATIVE MEASURES FOR THEFT/LOSS OF POSSESSIONS**

- Mark all personal items, including watches, dentures, eyeglasses, and hearing aids
- Maintain a written inventory system for clothing and other valuables, signed by the resident and a representative from the facility;
- Residents and family members should keep a copy of the inventory
- Take pictures of valuables;
- Keep copies of all receipts for any items taken into the facility, if possible;
- Use locks for clothing drawers/cabinets, where only the resident/representative and the administrator have a key;

### **RESPONSIBILITIES OF THE NURSING HOMES**

- Establish and post policies regarding theft and investigation procedures;
- Orient all employees on theft and loss policies within 90 days of initial employment;
- Document efforts made to control theft and loss at least twice a year;
- Establish theft and loss record for items worth \$25.00 or more;
- Submit written report to police within 36 hours of suspected theft of item with \$100 or more;
- Establish and maintain written inventory of residents' property, add to the inventory list upon request, and provide a copy to you or your representative;
- Mark all residents' property, including engraving of dentures and tagging prosthetic devices.

### **YOUR FINANCIAL RIGHTS**

- Handle your own bank accounts and money;
- Have access to your funds on weekdays during business hours;
- Withdraw as much of your own money as you choose;
- Spend your money as you choose;
- Keep your spending habits private;
- Receive an itemized account of your monthly bill;
- Appoint a person to handle your finances;

- Know that the information in your medical records is confidential

### **THEFT OF FUNDS**

- Examples of theft of funds includes forging signatures, cashing checks without authorization, and misusing control over resident through guardianships, conservatorships, or power of attorney.
- Indications of theft of funds:
  - Changes in banking practice;
  - Unauthorized ATM withdrawals;
  - Disappearance of funds;
  - Unpaid bills despite adequate financial resources.

### **WHAT TO DO WHEN IT HAPPENS**

- Report any loss or suspected theft immediately to the administrator, local ombudsman, and licensing department;
- Seek help from the Ombudsman Program and family or resident council;
- Write a demand letter to the nursing home for replacement or reimbursement and include an expected date for a reply;
- Ask what the home's policy is for replacement of lost articles. Some homes have insurance policies to cover larger items.
- Check your Homeowner's Insurance policy to see if it covers losses in nursing homes
- Make a report to the local police or State law enforcement;
- Sue in Small Claims Court for replacement value of article