

GUIDE TO LOSS AND THEFT

**Prepared by the Resident Quality and Family Empowerment Project
United Senior Action Foundation**

WHAT THE REGULATIONS SAY

Indiana state nursing home regulations related to residents' personal belongings are as follows:

410 IAC 16.2-3.1-9 Personal property

Sec. 9 (a) The resident has the right to retain and use personal possessions, including some furnishings and appropriate clothing as space permits unless to do so would infringe upon the rights or health and safety of other residents.

- (b) The facility shall exercise reasonable care for the protection of the resident's property from loss or theft.
- (c) The administrator or the administrator's designee is responsible for investigating reports of lost or stolen residents' property
- (d) The facility will have written policies and procedures outlining the steps to be taken in the event an item is reported lost or stolen.
- (e) The policies will include a mechanism to report the results of the investigation to the resident or his or her legal representative in the event the lost or stolen item is not recovered.
- (f) If the resident's clothing is laundered by the facility, the facility shall identify the clothing in a suitable manner. The facility is only responsible for marking those items that are recorded on the resident's inventory sheet.
- (g) The facility must inventory, upon admission and discharge, the personal effects, money, and valuables declared by the resident at the time of admission. It is the resident's responsibility to maintain and update the inventory listing of the resident's personal property.
- (h) Facilities shall, in writing, annually remind residents, legal representatives, or family members or all, of the need to update inventory records.

WHAT FAMILIES CAN DO

Prevention

Before Admission

- ❑ Complete a full inventory of all personal items that the resident is taking to the nursing home. Include the estimated value of each item on the inventory.

- ❑ Label all clothing and personal items with resident's name. Use the resident's full name – not just initials. Use permanent ink.
- ❑ Engrave or permanently mark dentures, eyeglasses, hearing aids and appliances, such as televisions and radios. Engrave the full name of the resident and his or her Social Security numbers. (Most dentists can engrave dentures.)
- ❑ Take pictures or videos of valuables, such as jewelry. Consider engraving these items as well.
- ❑ Obtain a container and clearly label it for holding items such as dentures, glasses and other small belongings.
- ❑ Check homeowner's insurance to see if coverage can be extended to cover property during a nursing home stay. Consider buying special insurance on hearing aids, dentures, eyeglasses.

Upon and After Admission

- ❑ Remember to include clothing worn on the day of admission on the inventory.
- ❑ Give a copy of the complete inventory to the facility and keep one for yourself.
- ❑ Every time you bring a new item to your loved one:
 - Make sure you have marked it with the resident's name
 - Keep the receipt for the item (if applicable)
 - Make sure the item is immediately added to the inventory. Get a copy of the revised and updated inventory
- ❑ Keep the inventory up-to-date! If the item is not listed on the inventory, it is very difficult to prove it ever existed! Be sure to update the inventory whenever you bring in something (see previous point) or discard something.
- ❑ Ask for a personal locked storage space with a key, such as a drawer.
- ❑ Ask for items of value and that do not constantly need to be in the resident's possession to be stored in the facility safe.

If An Item Is Missing

- ❑ Report every loss or theft to the nursing home as soon as possible – and put the report in writing!!! Describe what the article looked like, where and when it was last seen and what it was worth. Include a copy of a receipt for the item if available.

Ask the nursing home to:

- investigate the loss
- report back to you with the investigation results. (Provide a timeframe)
- replace or reimburse the resident for the item if it is not recovered.

Keep a copy of the letter.

NOTE: Do not let any waiver of liability that you may have signed keep you from pursuing reimbursement. Such agreements are generally not enforceable. In addition, since Indiana nursing home requirements mandate that the facility must “exercise reasonable care” for resident belongings, these agreements violate state nursing home regulations.

- Document the facility’s response, including dates, names of those you have spoken to and what was said.
- If you believe a crime has been committed, report the loss/theft to the police (this is what we would do if we found something missing in our own homes).
- Check your homeowner’s insurance policy to see if the item can be covered.

If the facility fails to take timely or sufficient action

- Write a letter to the facility board of directors or corporate regional manager. Include a copy of your original letter and a summary of the facility’s response/lack of response since you submitted your report. Ask for the item to be reimbursed or replaced.
- Contact the local long-term care ombudsman program. The ombudsman is an advocate for nursing home residents. To find out the name and number of your local ombudsman, call 1-800-622-4484.
- File a complaint with the Indiana State Department of Health (ISDH). To file a complaint, call 1-800-246-8909. It is a good idea to follow up any complaint with a written letter. The address is:
 - Indiana State Department of Health
 - Long Term Care Division
 - Complaint Unit
 - 2 North Meridian Street
 - Indianapolis IN 46204Include a copy of the letter/report that you originally submitted to the nursing home reporting the missing item.

- ❑ File a claim in Small Claims Court. These courts handle claims in a simple, informal manner, and an attorney is not needed.
- ❑ Talk with the family council to see if others have experienced problems with loss and theft as well. If the problem has affected a number of residents, work with the council to press for revised loss and theft prevention policies and procedures and/or having the facility join Senior Crimestoppers.

WHAT THE NURSING HOME CAN DO

Prevention

- ❑ Establish loss and theft policy. Include that theft will not be tolerated and violators will be dismissed and prosecuted. Post the policy prominently.
- ❑ Notify residents and families about policies.
- ❑ Ensure that all resident possessions are marked upon admission.
- ❑ Maintain inventory of all personal items. Update inventory at least quarterly. List items brought in at admission and items brought in later; delete items taken home or discarded; provide a copy of inventory to resident and family.
- ❑ Offer to keep money and small valuables in locked nursing home office or safe.
- ❑ Provide each resident with a lockable drawer and individualized keys.
- ❑ Provide a small container to hold dentures, eyeglasses, hearing aids – convenient to both resident and nurse aides. Have staff check container each shift and document findings.
- ❑ Chain or bolt TVs and radios to wall or furniture.
- ❑ Designate a loss and found coordinator. This person is responsible for directing the investigation of all items reported missing and for maintaining a lost items log (see next point).
- ❑ Maintain a lost items log.
 - Document all lost and missing items in the log and include a description of the item and where/when item was last seen.
 - Review log weekly, monthly, quarterly. Look for trends (type of item, when losses occur, on what shift, etc.)

- ❑ Have monthly “Claim Days” for unclaimed, unmarked articles.
- ❑ Screen job applicants very carefully. Check references. Conduct criminal background checks.
- ❑ Orient employees to loss and theft policies. Send the message that theft DOES matter and that loss and theft are taken seriously in the facility and will not be tolerated. .
- ❑ Conduct staff inservices. Train staff to report stealing.
- ❑ Educate employees as to significance of personal possessions to residents’ emotional and physical well being.
- ❑ Reward staff for return of lost or stolen property.
- ❑ Include lost and missing items in daily report.
- ❑ Expand job descriptions to include loss and theft prevention measures such as having: kitchen staff check trays for belongings; laundry aides check pockets; housekeepers check in trash and on floor
- ❑ Use transparent trash liners – instruct any one emptying trash cans to scan for items
- ❑ Use personal mesh laundry bags for small items
- ❑ Review lost items log, investigative procedures, investigative results on a regular basis. Talk with residents, families and staff about ways to improve policies and systems.
- ❑ Become a part of Senior Crimestoppers (for more information go to www.seniorcrimestoppers.org).

If An Item Is Missing

- ❑ Check the resident’s room with his or her permission and help; check with employees and other residents and families.
- ❑ If clothing is found on another resident, send the message to staff that this is not acceptable.
- ❑ Fill out a missing item report and give copy to resident and family.
- ❑ Call the police – this acts as a good preventative for the future.

- ❑ Discharge and prosecute a guilty employee immediately.
- ❑ Replace the item or reimburse the resident for the item.
- ❑ File insurance claim.
- ❑ Help resident cope with loss of the item.

For additional information or help, contact the Resident Quality and Family Empowerment Project of the United Senior Action Foundation at 1-800-495-0872.