

***Disclaimer:** This publication is intended to provide information only, and is not intended as legal advice. You should consult a lawyer if you need legal advice.*

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Protecting Yourself from Theft in Nursing Facilities

Taking care of money can be a hard task. This is even harder when you live in a nursing facility. Nursing facilities have the power to set up special trust funds to help people who live there take care of their money. These accounts must follow certain rules. However, it can be very easy to steal money from these accounts if they are not properly protected.

Know your rights

People who live in a nursing facility have the right to take care of their own personal money. You have the right to choose someone to take care of your money – the facility cannot make this decision for you.

Ask about background checks

Ask someone from the business office if they do background checks on employees. Background checks let them learn information about the people who work there. State law says that all direct care employees (people who help you daily) must get a background check. However, employees who work in the office and have the ability to get into your account are not always required to have a background check.

Do not discuss finances with direct care staff members

Your money is your own personal business. It is not right for nurses, aides, housekeepers or other direct care staff to ask you about your money and your account.

Ask about audits of accounts

Make sure the facility performs audits of the accounts of people who live there. An audit means that someone looks at the money and makes sure there are no mistakes. The audits should look not only for receipts (proof of what you have spent), but also for suspicious purchases (things you would not have bought). For example, if a person who does not own a computer is buying computer games, this should be looked at further.

Verify if the account is appropriate

Federal law says that if you have more than \$50 in your account, the facility must deposit that money in an interest-bearing account (an account that makes you money) that is only for you. They are also required to assure that your money is safe. This can be done through something called a “surety bond,” which protects you from you losing your money. This means that your account should not lose value unless you take out money, and you are kept safe if someone steals your money.

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Make sure you get your statements

The facility must give you regular account statements, at least four times a year. They also must give you statements when you or your legal representative requests them. Make sure that you are given those statements, and look at them to see if they are right. Make sure that interest is paid into the account.

Read nursing facility inspection reports

The State of Ohio checks nursing facilities to make sure they are following the rules. They wrote a guide letting people know how well facilities are doing when it comes to following the rules. You can read their information by going to this website: ltc.ohio.gov/NursingHomes.aspx.

Medicare also checks nursing facilities to make sure they are following the rules, and lets people know when they are not following the rules. You can see information from Medicare at this website: medicare.gov/nursinghomecompare/search.html.

What to do if you think someone has taken your money

Do not talk about the issue with direct care staff

Do not blame people who help you every day for stealing money or taking part in a crime. Issues about your money should not be talked about with nurses, aides, housekeepers or other direct care staff.

File a report with the administrator of the facility

The facility should have a way to find out whether something bad has happened with your money. File a report with the administrator of the facility.

File a report with the police

Stealing is bad, and the police should be told about it. You have the right to file a police report if you believe that someone has stolen your money.

Call us - Disability Rights Ohio

Phone: 800-282-9181 (TTY 800-858-3542)

As the protection and advocacy organization in Ohio, Disability Rights Ohio looks at cases of abuse, neglect and exploitation (being taken advantage of), including theft or fraud. We can look at your situation, help you know what your next steps are, and give you helpful resources. In some cases, we are able to provide advocacy or legal representation.

File a report with the Ohio Attorney General's Office

Phone: 614-466-0722

The Ohio Attorney General has the right to look at things where they think something bad has happened, such as abuse, neglect and exploitation (being taken advantage of), including theft or fraud in places where people with disabilities live.

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Contact the Long Term Care Ombudsman Program

Phone: 1-800-282-1206

Website: aging.ohio.gov/services/ombudsman/regional.aspx

The Ohio Department of Aging's long-term care ombudsman gives information and advocates for the rights of consumers in nursing facilities and other long-term care facilities.

Contact the Ohio Department of Health

Phone: 1-800-342-0553

Email: HCComplaints@odh.ohio.gov

The Ohio Department of Health also listens to problems about nursing facilities. The Department of Health will come to the place and look into problem without telling the facility who told them there was a problem.

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