



# ***RISK NOTE***

## **SUBJECT: HANDLING PATIENT/RESIDENTS' PROPERTY**

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If patient/resident's property is lost, stolen or damaged, the Health Care Agency (HCA) may become liable for the missing or damaged articles. In practical terms, the HCA usually has limited control and ability to protect patient/residents' property from loss or damage. It is therefore important for patients residents to understand their responsibility in protecting their own property and for HCAs to mitigate, where appropriate, the risks associated with this type of property. The manner in which patient/residents' property is handled depends on whether the property is considered a **Valuable** or a **Personal Item**, as described below.

**Valuables** include money, credit cards, jewellery, chequebooks, keys, personal papers and other items of monetary value which are not generally essential for the patient/resident to have with them during their stay. In order to avoid responsibility and potential liability claims for patient/residents' property, every effort should be made to discourage them from bringing Valuables into a facility.

**Personal items** include but are not limited to prosthetic devices, dentures, glasses, contact lenses, hearing aids, crutches, walkers, wheelchairs, canes etc. *Where possible* such items should be left at home or sent home with a responsible adult at the time of admission. However it is recognized that frequently these personal items will be essential to the patient/residents' comfort during their stay. It should be noted that HCPP does not provide coverage for dentures, hearing aids and eyeglasses. Please refer to our Program Bulletin on this topic [Dentures, Hearing Aids and Eyeglasses](#)

Personal items also include clothing. Patient/residents should be encouraged to bring a minimum of clothing with them and to avoid bringing expensive or precious items.

### **Key Steps to Risk Management:**

We recommend the HCA develop policies and procedures around the handling of patient/residents' property. If patient/residents have the ability to protect and take care of their own property and have full capacity to do so, *they should be expected to do so*, as a matter of HCA policy. At the time of admission, all admission forms and patient information should state the HCA's policy. During the pre-admission procedure, patient/residents should be encouraged to leave property at home or to give it to a responsible adult accompanying them at the time of admission. If at any time the patient/resident loses capacity to care for their own property or a particular item cannot be permitted because of the nature of a medical procedure (e.g. metal possessions in MRI) and a responsible adult cannot take the property home, the HCA may find it necessary to take the property into safekeeping. Safekeeping creates an obligation on the part of the HCA to care for the property and to return it in the same condition in which it was received.

Where an HCA takes patient/residents' property into safekeeping the items should be stored in a secured area such as a locked cabinet or room in the facility. It is important the HCA maintain an accurate listing of property stored by the facility. All items have to be specifically identified and money counted. The transaction of taking property into safekeeping should be witnessed and signed by the patient/resident (or authorized representative) and by at least two employees of the HCA. If the patient/resident refuses to store or return items home for safekeeping, a patient release form waiving HCA responsibility for these items is recommended. At least two copies of the safekeeping agreement or waiver are required, one original to be given to the patient/resident and the other kept by the HCA, to be retained on the chart. When developing a safekeeping form, we recommend it include the following:

- Description of items taken into safekeeping as observed e.g. clear stones in gold-coloured band rather than diamonds in gold band.
- Date and time taken into safekeeping
- Some manner to sign items in and out of safekeeping during and at end of stay
- Disclaimer that HCA is only responsible for loss or damage as a result of its negligence
- Acknowledgement the HCA advised the patient/resident that non-essential items should be left at home
- A statement of policy on unclaimed property e.g. if property is not reclaimed within 3 months after discharge, the hospital may, upon notification by registered letter, make such prudent disposition of the property as is reasonable.
- Patient/resident's signature, or signatures of two staff members if patient/resident is unable to sign.

Property that patient/residents choose to keep with them at the bedside should be limited to Personal Items as described above. Such items should be described and noted on the patient/resident's chart during admission.

There are some circumstances which require special consideration. HCA policies and procedures regarding patient/resident's property should specifically address the following:

Deceased patient/residents – Property needs to be gathered, itemized, documented, witnessed and secured until the appropriate release is received from the legal representative of the estate. The facility is responsible for any patient property in its possession at the time of a patient's death. Accordingly, the property of deceased patients, including money, jewellery, etc. should only be released to the deceased person's legal representative, who is:

- 1) the Executor(s) (ask to see Letters of Probate or the Will if Letters of Probate have not been given) in the case where the person died leaving a Will and the Executor has been formally appointed;
- 2) the Administrator(s) of the Estate (ask to see Letters of Administration) in cases where there is no Will or for some reason the person appointed Executor under the deceased person's Will is unable or unwilling to act; or
- 3) the Committee of the deceased patient (appointed by a Court under the *Patients Property Act*) in the interim period before Letters Probate or Letters of Administration are served on the Committee. The facility should seek confirmation from the Committee

that, in fact, Letters Probate or of Administration has not been granted for the particular estate.

Patients entering the emergency room – Conscious patients should be encouraged to give all Valuables and Personal Items to a responsible adult accompanying them in the emergency department. Ensure the process of handling the valuables does not interfere with emergency treatment. Removal and documentation procedures to handle Valuables and Personal Items of incapable patients or patients going directly to the operating room need to be developed. Having appropriate systems to ensure the transfer of property from the emergency room/ward to safekeeping/security can be invaluable in managing these situations.

Internal room/service transfer – Procedures should be developed to account for and document a complete inventory of patient property before the transfer and receipt of all such property, including clothing, following the transfer.

Dead on arrivals (DOA's) – With the exception of coroner's cases not yet released, all property should be removed, inventoried, documented, witnessed and stored for release to the legal representative as described above (see Deceased Patients).

Patient/resident searches – HCA's must have reasonable grounds or consent for patient/resident searches. Protocols are needed to handle lack of consent situations and circumstances that pose a danger to public/staff/patient safety. Policies and procedures need to be established related to the handling, safeguarding, and/or disposal of potentially dangerous or illegal materials, such as weapons and drugs. See our Risk Note on [Patient Searches](#)

Lost articles – Articles left by a patient/resident or found in the facility can be handled through developing lost and found policies. A system to identify and notify owners of lost articles can be implemented and is often managed by volunteers. An administrative protocol including the time limit of storage and disposal of unclaimed items is recommended.

Property of a deceased person who has no next of kin or executor – If a patient/resident dies and next of kin do not immediately claim the patient/resident's property, the items can be itemized, packaged, witnessed and taken into safekeeping. They can be released to the Public Guardian and Trustee upon production of appropriate identification if next of kin or other authorized person does not come forward.

### **Investigation of a Loss**

*Regardless of ultimate responsibility for the loss, the HCA needs to establish procedures to report and investigate incidents of loss, theft or damage of patients/residents' property. They must also manage claims, including notifying police authorities if theft is involved and HCPP when the value of items exceeds deductible. See our Risk Note [Managing Small Third Party Property Claims](#) which will further assist the HCA in managing these claims.*

### **Release of Valuables**

Policies and procedures around the handling of patient/resident's property would not be complete without addressing how to properly release property. Property taken into safekeeping may only be released to the

patient/resident or to their legal representative. If uncertainty exists about legal authority of the person requesting the release, the HCA should insist on formal proof, especially if the patient/resident has died.

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It should be clearly understood that this document and the information contained within is not legal advice and is provided for guidance from a risk management perspective only. It is not intended as a comprehensive or exhaustive review of the law and readers are advised to seek independent legal advice where appropriate. If you have any questions about the content of this Risk Note please contact your organization's risk manager or chief risk officer to discuss.

**SAMPLE 1**  
**WAIVER OF RESPONSIBILITY FOR VALUABLES AND PERSONAL ITEMS**

**Warning: This document affects your legal rights. Please read carefully.**

**WAIVER / RELEASE:**

I, \_\_\_\_\_, understand that, as a patient/resident of the  
\_\_\_\_\_(legal name of HCA) facility that patients/residents are not to bring non-  
essential items into the facility.

The \_\_\_\_\_ (legal name of HCA) is not responsible for the loss or destruction of or  
damage to any personal items or valuables belonging to me that I have brought with me to the  
facility.

I take full responsibility for those personal items and valuables that I keep with me.

\_\_\_\_\_  
**Signature of Patient/Resident**

\_\_\_\_\_  
**Signature of Legal Guardian or  
Responsible Party**

\_\_\_\_\_  
**Relationship to Patient/Resident**

\_\_\_\_\_  
**Witness (Name & Title)**

\_\_\_\_\_  
**Date**