

POSSESSIONS – LOST OR DAMAGED

LAW

Each patient shall... "Be permitted to use ... his or her own ... **personal articles...**"

§ 51.61(1)(q), Wis. Stats. [Emphasis added.]

DECISIONS

1. A discharged patient asked the hospital to **return his personal journal**. It **should be returned to him** since **it is his property**, whether or not the hospital considered it part of his treatment record. (Level III decision in Case No. 01-SGE-06 on 10/18/01)
2. A patient grieved about cash disappearing from her purse which was in her closet at an inpatient facility. The patient alleged that the staff member checked her food share card noticed that she had \$280 in her wallet. The employee was allegedly the only person who knew that she had cash in her room. The provider placed the facility on lockdown and performed a search for the money. The facility also interviewed staff about the missing funds. The money was not located. The staff member alleged that the patient had \$120 in her purse and that she **told the client that she should lock the cash in the facility safe**. The provider did not search the employee that the patient suspected of taking the funds. The provider did not search employees unless there was substantial evidence that there was reason to do so. The patient had signed a liability waiver for lost or stolen items. The patient should have been aware that that complete safety of personal belongings could not be guaranteed by the provider. **The fact that the provider checks clients' valuable belongings upon arrival is proof that the provider expended significant effort to prevent the loss of residents' personal property. By declining the chance to check in her cash upon admission the patient took on the risk that her property would not be safe.** The patient's right to a safe and humane environment was not violated when the patient's cash was allegedly misappropriated during her stay at the residential provider's center. (Stage III decision in 12-SGE-0015 decided on 7/10/2013)
3. A patient was receiving services at a Community Based Residential Facility. The patient **alleged that the provider took the patient's head scarf and did not return it**. Her treatment record reflected that she wore

a head scarf but never mentioned that the head scarf was a problem or that it was taken by staff. The grievant **did not meet her burden of proof** that her scarf was taken away because she produced no evidence other than her own testimony. (Level IV decision in Case No. 15-SGE-0001 on 10/17/2016)

4. A patient **accused the county of damaging his property when he lost his housing while placed at a treatment facility. The county does not assume responsibility for property when patients are hospitalized or placed in a more restrictive setting.** That being said, the county attempted to retrieve the grievant's property to the best of their abilities. (Level III Grievance Decision in Case No. 20-SGE-06)

5. A grievant alleged that her right to possessions was violated when a **facility failed to adequately reimburse the grievant for two of the grievant's possessions** that were lost at the facility, and did not provide any reimbursement for a third possession. The grievant provided the facility with the value of the two missing property items based on an online search for equivalent items. **The grievant was subsequently reimbursed for those two items in the amount provided to the facility. No evidence of additional value was provided to the facility.** The Level III investigation also did not reveal any evidence that the third property item had been in the grievant's possession upon admission to the facility. Therefore, the grievant was not reimbursed for that item. No rights violations were found. (Level III Decision in Case No. 25-SGE-01113)

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