

## Misappropriation Of Funds: Aide's Termination Upheld By Court.

An aide working in a nursing home obtained written permission from one of the residents to handle her personal checkbook. The aide gave two notes signed by the patient to the charge nurse who placed them in the resident's chart.

The aide was fired and reported to the local police when the administrator learned she was handling the resident's affairs and confronted her and she was unable to account for the funds which were absent from the resident's checking account.

The aide sued for wrongful termination and malicious prosecution, claiming she was actually fired in retaliation for filing a worker's compensation case and for threatening to expose alleged violations of patient-care regulations. The Court of Appeals of Ohio upheld her termination.

---

***Federal and state laws require nursing facilities to set up and enforce policies against abuse of residents and misappropriation of their funds, including a mandatory duty to report misappropriation to local law enforcement.***

COURT OF APPEALS OF OHIO  
June 24, 2011

---

Federal nursing home regulations require facilities to develop and implement policies to prevent mistreatment of residents and misappropriation of their property.

The nursing home's policy, which complied with Federal and state law, was that all resident funds were to be deposited with the nursing home administrator's office and employees were to refrain from handling resident's funds, even to the extent of not accepting funds even temporarily for immediate deposit with the front office. ***Morris v. Dobbins Nursing Home***, 2011 WL 2449008 (Ohio App., June 24, 2011).