

LEGAL EAGLE EYE NEWSLETTER

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For the Nursing Profession

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Alzheimer's: Patient Wanders, Adult Day Program Not Liable.

A nursing home's adult day program's Alzheimer's patients were transported to and from their residences in a van owned by a patient-transport company and operated by a company employee.

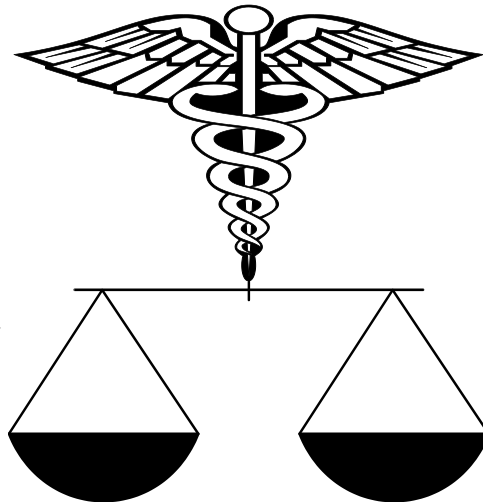
The contract with the company expressly stated that the patients were never to be left alone unattended.

While the driver was assisting one patient into her home another patient was left alone unattended in the van for a few minutes. He wandered off.

He was found outdoors three days later having suffered severely from hypothermia from which he later died.

The New York Supreme Court, Appellate Division, ruled the nursing home was not responsible. That is, the transport company was fully liable for damages in the family's wrongful-death lawsuit.

According to the court, contracting with a fully licensed independent contractor fulfills a nursing home's legal obligation in this situation. If the driver had been a nursing home employee the nursing home would have been responsible for his negligence. **Chiles v. D & J Service, Inc.**, ___ N.Y.S. 2d ___, 2006 WL 3314662 (N.Y. App., November 16, 2006).



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New Subscriptions

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Nasogastric Tube - Endotracheal Tube - Alzheimer's/Wanderer
Narcotics Diversion - Disability Discrimination/Accommodation
Patient Falls/No Fall Plan/No Bed Alarm/Large Verdict
Skilled Nursing Regulations/Restraints/Skin Care/Incontinence Care
Lap Sponge Left In Patient - Scalding Hot Tea Spilled On Patient
Hypoglycemic Episode/School Nurse - Nursing Documentation
Premature Infant/IV Sites - Advance Directives/Resuscitation
Nurse As Whistleblower - Patient Transport - Patient Transfer