

Hoyer Lift: Aide Tried To Transfer Patient By Herself.

One nurses aide was attempting by herself to transfer a nursing home resident from his chair to his bed using a Hoyer lift.

The metal hook on the cradle bar somehow caught his eye. He had to be taken to the hospital where the eye was removed.

The resident signed an arbitration agreement when he was admitted, stating that neither he nor his estate could sue the nursing facility if he was killed or injured under their care.

He was ninety-one years old, had just had a stroke and was suffering from delusions.

He did not have the mental capacity to sign a binding contract. The arbitration agreement is null and void and his family can sue.

SUPERIOR COURT
PLYMOUTH COUNTY, MASSACHUSETTS
August 1, 2010

The jury in the Superior Court, Plymouth County, Massachusetts awarded \$400,000 to the family, finding the facility liable for the loss of his eye but not liable for his death from sepsis seven weeks after he was admitted to the hospital.

The basis for the suit was that the aide was negligent in that she should not have attempted to transfer the patient by herself when she had been trained that a Hoyer-lift transfer requires two people. The aide was fired afterward and reported to the State Board of Health and her name was placed in the State registry.

It was alleged further that the facility itself was negligent for failing to train and supervise its staff adequately in the use of the Hoyer lift. ***Owens v. Kindred Healthcare, Inc., 2010 WL 4231542 (Sup. Ct. Plymouth Co., Massachusetts, August 1, 2010).***