

Patient Abuse By Family Member: Court Says Nurses Reacted Appropriately, Lawsuit Dismissed.

Nursing home staff began closely watching the daughter because they thought she and her brother were being overly aggressive while participating in their mother's care.

A staff nurse notified the charge nurse when she found bruising after the daughter shoved the resident into her wheelchair.

Believing that a reportable incident of elder abuse had occurred, the director of nursing notified the state department of health and the local police.

The police saw probable cause to arrest the daughter for elder abuse.

At her arraignment the local magistrate also saw grounds for a criminal prosecution and released the daughter on her own recognizance pending trial.

UNITED STATES DISTRICT COURT
IOWA
October 9, 2009

The nursing home's nursing staff reported a resident's daughter to the police after a nurse saw her push her elderly mother roughly into her wheelchair in the facility's dining room and then found new bruises on the resident's arms.

The state department of health was also notified that a possible episode of elder abuse had occurred at the facility.

The daughter claimed they called the police on her in retaliation for her complaints about her mother's care. The nursing home staff were encouraging her mother to drink her juice when she did not want to, were insisting her mother get out of bed and were trying to get her to walk when she preferred just to sit in her chair.

The daughter's criminal trial for elder abuse ended in her acquittal. The investigation by the state concluded that no abuse could be substantiated.

Notwithstanding those outcomes, the US District Court for the Northern District of Iowa dismissed the daughter's civil rights lawsuit against the nursing home.

Caregivers Are Required to Report

A nursing home is required by law to investigate, to report to the state and to notify local law enforcement any time what appears to be elder abuse occurs. The motivation behind the nursing home's staff in reporting the daughter was only to protect the resident and to fulfill staff members' legal duties, the court concluded. **Veatch v. Bartels Lutheran Home, 2009 WL 3270823 (N.D. Iowa, October 9, 2009).**