

Developmentally Disabled Patient Assaulted: No Background Check For CNA.

The jury in the Circuit Court, Newport News, Virginia returned a verdict of \$750,000 against an assisted living facility where a fifty-two year old developmentally disabled man was sexually assaulted repeatedly by the same CNA caregiver.

The victim reportedly has the mental capacity of a five year-old child and needs a high level of assistance with basic hygiene and other activities of daily living.

No Background Check

Prior to Hiring

The perpetrator was hired with no background check.

Although he reportedly had no prior employment history or criminal history of sexual assault, his criminal record did include a lengthy list of offenses including assault and battery, larceny, public intoxication and failure to appear in court.

That was enough for the jury to conclude it was inappropriate to hire him or to permit him access to a vulnerable person. **Confidential v. Confidential, 2009 WL 1873353 (Cir. Ct. Newport News City, Virginia, May 28, 2009).**