

Dementia Care: Window Should Not Have Been Left Open.

The patient was housed in a special dementia-care unit on the second floor of the building.

To reduce the risk of elopement the doors to the unit were kept locked and the elevator required a pass key to operate.

Resident Had Tried For Three Years To Open the Doors and Windows

The resident's elopement attempts were well known to the facility's staff.

On a particular day in June she made yet another attempt, this time through a window left open on the dementia unit. She fell out and sustained numerous fractures, dislocations, cuts and bruises.

The jury in the Circuit Court, Vanderburgh County, Indiana returned a verdict of \$276,164 against the nursing facility in the resident's favor.

With her history of elopement attempts this resident required close supervision around an open window. Even if she seemed calm enough staff should have expected she could make her move at any time. Or, better, the window should have been closed and locked. **Ashby v. Beverly Healthcare, 2009 WL 4932578 (Cir. Ct. Vanderburgh Co., Indiana, September 1, 2009).**