

Patient Falls: Jury Finds No Liability.

The seventy-eight year-old patient was a day resident at an adult day care center.

Due to unsteadiness on his feet his care plan for ambulation called for two-person assistance with a gait belt.

He was using his walker to shuffle slowly to the restroom. He was being assisted by two nurses aides, one of whom had a hand on the gait belt that was snugly fastened around his waist.

When he got to the bathroom door he started coughing. He asked one of the aides to go and get him his inhaler which he needed because he had COPD.

One aide left his side momentarily to grab his inhaler. She came back and stood behind him as he was entering the bathroom. The other aide took her hand off the gait belt momentarily to hold the bathroom door open for him.

Just at that moment the patient's legs gave out. He fell and broke his hip.

The jury in the Circuit Court, Manitowoc County, Wisconsin was unable to find the facility liable for negligence and awarded no damages. **Kohlwey v. Injured Patients Fund, 2009 WL 2431344 (Cir. Ct. Manitowoc Co., Wisconsin, January 9, 2009).**