

Geriatric Sex: Emergency Transfer Upheld.

The District Court of Appeal of Florida ruled recently that a nursing home did not violate Federal regulations by transferring a resident on an emergency basis without thirty days notice.

Inappropriate sexual acting out toward other residents and staff was becoming a behavior pattern. The family was contacted about transferring him to another facility that would be more able to handle him. The family balked.

The nursing home professional staff went ahead and had him transferred anyway, just twenty three days later, without giving the thirty-days notice required by Federal regulations.

The court ruled this situation fit the regulations' definition of an emergency. The nursing home could move ahead with the involuntary transfer as soon as practicable because the health and safety of other individuals in the facility was at stake. Florida Dept. of Veterans Affairs v. Cleary, __ So. 2d __, 2008 WL 53644 (Fla. App., January 4, 2008).