

Patient's Fall: Patient Should Not Have Been Left Alone, Mishandled.

A thirty-seven year-old developmentally disabled woman lived in a six-bed adult foster care facility. She had been cared for by paid caregivers since the age of ten. It was difficult for her to ambulate independently and she wore braces on both legs to improve her stability.

On the day in question she had been given a hair permanent in the kitchen and was taken to the bathroom to rinse her hair.

Her caregiver left her standing alone in the bathroom without her leg braces only for a moment and she fell backward into the bathtub and broke her neck.

Then staff lifted her out of the bathtub without waiting for trained paramedics from the ambulance that was on its way.

The actual cause of death was never pinned down, that is, the fall or being handled incorrectly with a broken neck.

It was, however, not disputed she was not wearing her leg braces which normally stabilized her while she stood and she was momentarily left unattended.

Fall Care Plan Was Ambiguous

Her care plan did not expressly call for her not to stand up or attempt ambulation without the leg braces even though she was prescribed her leg braces because she had a history of falling.

The facility's lawyers were going to argue that the facility staff member committed no negligence because the care plan was not violated by leaving her alone, unattended, without her leg braces.

The family's lawyers, on the other hand, were going to argue that a substandard fall-care plan is substandard care.

The case was settled for \$65,000 before trial that would have taken place in the Circuit Court, Oakland County, Michigan. **Williams v. Valley Residential Service, Inc.**, 2007 WL 2439303 (Cir. Ct., Oakland Co., Michigan, April 25, 2007).