

Living Will: Patient Was Intubated, Kept Alive Six Days, Jury Awards Damages.

Before her Alzheimer's got the better of her the elderly nursing home resident had signed a living will stating she did not want extraordinary life-saving measures in the event of a medical emergency.

When the resident experienced just such an emergency paramedics were called to the facility. In accordance with standard emergency protocols the paramedics inserted an endotracheal tube.

The tube was continued by the nursing home medical and nursing staff for six days until the family insisted they remove it. Then the resident quietly passed.

A jury in the Circuit Court, Palm Beach County, Florida awarded the resident's estate \$150,000 for her pain and suffering as she lingered with the endotracheal tube in place.

The current trend is to allow lawsuits to go forward for pain and suffering when a living will is not honored.

CIRCUIT COURT, PALM BEACH COUNTY
FLORIDA
March 16, 2007

The nursing home's policy was to honor a resident's wishes. Nevertheless the nursing home was faulted for not having procedures in place to find out if a resident had a living will, healthcare directive, durable power of attorney, etc., and to note that fact conspicuously in the chart.

Further, the lawsuit alleged staff should have been trained specifically what to do and what not to do when a resident with a living will had a life-threatening emergency. **Estate of Neumann v. Morse Geriatric Center**, 2007 WL 1159236 (Cir. Ct. Palm Beach Co., Florida, March 16, 2007).