

Misconduct: Court Rules Aide Abused Patients.

The Court of Appeals of Minnesota ruled that a nursing home had just cause to terminate an aide for aggravated misconduct, that is, abuse of two vulnerable adults under her care.

Abuse of a patient or resident in a facility providing care for vulnerable adults is aggravated employee misconduct justifying termination for cause.

COURT OF APPEALS OF MINNESOTA
November 1, 2005

Obscene Language Used

Without repeating exactly what was said, the court ruled that yelling an obscenity at a patient is considered disparaging and humiliating treatment, that is, it is within the legal definition of abuse.

Walker Taken Away

In a second incident involving another resident, the aide took away the resident's walker to keep the resident from leaving her room, allegedly because there were insufficient staff available to assist the resident and prevent her from falling.

The resident was found by another aide crawling on the floor. The nurse who documented the incident said the resident was sitting on the floor and scooting like the crab walk.

The court discounted the aide's stated concern for the resident's safety as valid justification for her actions.

Taking away a vulnerable person's walker is considered deprivation, and by law deprivation amounts to abuse, the court ruled.

Either Incident Sufficient By Itself

Although the aide was fired over two incidents of abuse, either one of the incidents alone would have justified her firing, the court ruled. **Grossman v. Martin Luther Manor, 2005 WL 2850491 (Minn. App., November 1, 2005).**