

## Resident Not Restrained, Falls: Out Of Court Settlement Paid.

The eighty-two year-old nursing home resident was injured in two falls six weeks apart. In both instances staff reportedly neglected to lock the wheels of her wheelchair.

In the first incident the resident pushed herself away from the dining table and tried to stand up. In the second incident she was left unattended in the day room, again with her wheels not locked, and fell when she tried to stand up.

That she was prone to falling was a fact reportedly passed along by the family when she was admitted. She was assessed with a gait abnormality and vascular dementia and arguably should have been considered a high-fall-risk patient.

A seatbelt restraint and a seat alarm were indicated for the patient in addition to surveillance that her wheels were locked, the patient's lawyer was prepared to argue.

The nursing home's insurance company reportedly paid a \$150,000 out-of-court settlement. **Cebollero v. Hebrew Home**, 2009 WL 2989743 (Westchester Co., New York, March 16, 2009).