

Patient's Fall: Bed Alarm Was Turned Off, Court Finds No Evidence Of Negligence.

The now-deceased patient was eighty-four years of age with diagnoses of hypertension, coronary artery disease, diabetes and Alzheimer's dementia.

His history included a partial colectomy and colostomy for colon cancer, nephrectomy of a cancerous kidney and chronic renal insufficiency.

He was brought to the hospital after a fall at home and admitted for treatment of a pelvic fracture. The day after admission a Foley catheter was inserted because he was unable to void using a urinal.

A family member of the patient visited the patient at dinner time and fed him his supper while he was in bed in his room. She left at around 5:30 p.m.

At 5:45 p.m. the patient was found having fallen in his room after he apparently got up out of bed on his own and tried to walk to the bathroom. His right arm was fractured. It was decided not to operate on the arm and he was transferred to a skilled nursing facility for rehab where he passed away after two weeks.

When the nurses phoned the family member to report that he had fallen, the family member apologized for having neglected to report to the nurses station that she was leaving.

Assessment and Fall-Prevention Interventions Were Documented

The Appeals Court of Massachusetts dismissed the family's lawsuit.

The hospital's nursing progress records indicated that a fall assessment was performed at the time of admission, that a safety bracelet was applied, a bed alarm was activated and fifteen-minute safety checks were implemented. The bed rails were kept up, the bed was in its lowest position, the patient had non-slip slippers, his room was across from the nurses station for frequent observation, his call bell was within easy reach and he was frequently reminded not to get up without calling for assistance.

It was not negligent to turn off the bed alarm while a family member was visiting and interacting with the patient while the patient was in bed. **Newman v. Caritas**, 2013 WL 944875 (Mass. App., March 13, 2013).

The only evidence supplied to the court was a letter the family received from the hospital's assistant director of risk management outlining the details of the patient's fall in the hospital.

Even though the bed alarm was deactivated while the patient's family member visited and fed him, that by itself does not prove that the hospital did not conform to good practice.

The bed alarm was in use, but was normally turned off while family members visited, since simple interactions between the patient and visitors can cause the alarm to sound.

Just prior to the fall the patient's family member had been visiting, so the nurses turned off the alarm.

When the nurses phoned the family member to report that he fell she expressed regret that she had not told the nursing staff that she was leaving so they could turn the alarm back on.

It was not the hospital's written policy that a bed alarm had to be kept activated at all times, even while visitors were present, so there was no negligence involved in not following a policy that did not exist.

APPEALS COURT OF MASSACHUSETTS
March 13, 2013

Sexual Assault: Nursing Home Found Guilty Of Neglect.

After an elderly female resident was sexually assaulted by a much younger male resident the nursing facility was found guilty of neglecting the needs of both the victim and the perpetrator.

A specific regulation in Illinois requires criminal background checks for all nursing home residents. An error in transcribing the perpetrator's date of birth meant that no criminal history could be located, which would have revealed past convictions for violent crimes.

Even without a required background check the facility had been informed by his caseworker of the perpetrator's mental health issues, including bipolar disorder with aggression and substance abuse problems. The failure to incorporate increased supervision into his care plan amounted to a failure to develop a comprehensive care plan to meet his and his victim's needs.

APPELLATE COURT OF ILLINOIS
February 28, 2013

The Appellate Court of Illinois turned down the facility's appeal of the charges of neglect.

Aside from a technical violation of Illinois's background-check regulations, the Court said that a young, able-bodied male with mental health and criminal histories who voices strong sexual urges in a facility occupied by older female residents who are unable to protect themselves is a threat that requires care planning to address the need for close supervision for the protection of other residents.

He was able to sneak undetected past the night-shift staff and enter the victim's room on another floor of a different wing. **Maplewood v. Arnold**, 2013 WL 791427 (Ill. App., February 28, 2013).