

Visitor's Slip And Fall (Continued).

Continued from previous page.

The Court of Appeals of Ohio dismissed the sister's lawsuit, finding no negligence by the nursing facility.

The Court expressly rejected the argument the facility could be held legally liable for the simple fact the roommate had a known history of spilling food and beverages on the floor.

It was true that the roommate often spilled on the floor, and the care-giving staff knew she often spilled, and they continued to allow her to feed to herself certain items, and they routinely came to the room and wiped the floor within five minutes when a new spill was detected.

It was also true that the sister, even though a family member and not a resident of the facility, was a person deemed by the law as a business invitee with the right to expect the premises to be reasonably safe.

However, according to the Court, there was no reason here to depart from the established legal rules governing legal liability for slip and fall injuries.

The facility had no actual knowledge that the roommate had created this particular spill on this particular day. Nor was there proof the spill had been on the floor long enough that the facility should have known about it and done something before the sister fell. **Byrd v. Arbors East**, 2014 WL 4459120 (Ohio App., September 11, 2104).

Psychiatric Medication: Patient Gave His Consent, Case Dismissed.

An involuntarily committed psychiatric patient can only be medicated involuntarily if proper procedures have been followed to obtain a court order which expressly authorizes involuntary medication.

This patient verbalized consent to be medicated, even while his delusional thought processes apparently led him to believe he was being medicated forcibly against his will.

Every citizen's right to liberty includes the right not to be medicated forcibly unless a strong governmental interest in medicating the individual against his or her own will has been demonstrated to a court of competent jurisdiction.

Because of the patient's expressed consent, legal procedures for court permission were not needed.

UNITED STATES DISTRICT COURT
MARYLAND
August 21, 2014

A judge committed the patient to a psychiatric facility for evaluation of the patient's competency to stand trial after the patient was arrested on criminal charges of making telephone threats.

His initial psychiatric evaluation showed that his mental illness impaired his rational thought processes and rendered him a danger to others. The psychiatrist concluded he was not capable of understanding the criminal charges or the legal proceedings pending against him and was not competent to stand trial.

While still being held involuntarily the patient got agitated when another patient's belongings were moved into the double room where he was housed. He threw the items out of the room, cursed at a staff member and insisted on a private room.

He was offered an IM injection of medication he was told would calm him down. He grudgingly agreed. He was medicated and did calm down.

The patient later filed a lawsuit claiming that he was forcibly medicated against his will and that the nurses were making sexual advances toward him.

The US District Court for the District of Maryland pointed out the facility never went through the process of obtaining approval from the local court for involuntary psychiatric medication, above and beyond the court order for involuntary commitment. However, that did not matter because the patient did verbalize consent to be medicated with a psychiatric medication. **Jiggetts v. Bailey**, 2014 WL 4187314 (D. Maryland, August 21, 2014).

LEGAL EAGLE EYE NEWSLETTER
For the Nursing Profession
ISSN 1085-4924

© 2014 Legal Eagle Eye Newsletter

Published monthly, twelve times per year.

Print edition mailed First Class Mail
at Seattle, WA.

Electronic edition distributed by email file
attachment to our subscribers.

E. Kenneth Snyder, BSN, RN, JD
Editor/Publisher
PO Box 4592
Seattle, WA 98194-0592
Phone (206) 440-5860
Fax (206) 440-5862
kensnyder@nursinglaw.com
www.nursinglaw.com

Clip and mail this form. Or if you prefer, order online at www.nursinglaw.com.

Print \$155/year _____ Electronic \$120/year _____ Phone 1-877-985-0977
Check enclosed _____ Bill me _____ Credit card _____ Fax (206) 440-5862
Visa/MC/AmEx/Disc No. _____
Signature _____ Expiration Date _____

Name _____
Organization _____
Address _____
City/State/Zip _____
Email (If you want Electronic Edition*) _____

*Print subscribers are also entitled to Electronic Edition at no extra charge.
Mail to: Legal Eagle Eye PO Box 4592 Seattle WA 98194-0592