

Resident Unbuckles Chair Safety Belt, Falls: Facility Ruled Negligent.

The resident was eighty-two years old and resided in an extended care facility.

Earlier in the day she was agitated and confused and had been screaming and crying.

She was positioned close to the nurses station in her wheelchair with her seat safety belt fastened.

She unfastened her seat belt more than once. When she seemed to have calmed down the aide who was supposed to be watching her turned away to assist another resident.

The resident, now unsupervised, unfastened her seat belt again, stood up, fell and broke her hip. The jury found the facility negligent, but awarded no compensation. The District of Columbia Court of Appeals ruled that the jury awarding no compensation was “contrary to all reason” and ordered a new trial. Hogan v. Washington Nursing Facility, __ A. 2d __, 2007 WL 922250 (D.C., March 29, 2007).