

## **Nurse Falls: Negligence Not The Issue For Worker's Comp.**

A private-duty nurse tripped and fell off the wheelchair ramp at the patient's doctor's office and broke her wrist.

The nurse had parked the van in a handicapped spot next to the ramp, assisted the patient into his wheelchair, wheeled him up the ramp into the doctor's office and then was on her way back to the van to get the paperwork and some personal items the patient would need for his doctor's appointment, when she fell.

Her employer, a nursing agency, disputed her worker's compensation claim.

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***In worker's compensation the only relevant question is whether the worker's injury arose out of and in connection with the worker's employment.***

***Negligence and contributory negligence are not to be considered.***

COURT OF APPEALS OF VIRGINIA  
February 20, 2007

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The Court of Appeals of Virginia ruled the nurse eligible for worker's comp.

For a patron to sue the doctor's office for negligence in a slip-and-fall scenario, it would be necessary to prove negligence in the design, construction or maintenance of the wheelchair ramp.

It would be a legal defense in a patron's suit that the drop-off from the side of the ramp was clearly visible to any patron with normal powers of observation.

However, the court pointed out that none of that is relevant in worker's compensation cases as long as the injury arises out of and in the course of the worker's employment. ***Nurses 4 You, Inc. v. Ferris***, \_\_\_ S.E. 2d \_\_\_, 2007 WL 505799 (Va. App., February 20, 2007).