

## Alzheimer's: Elopement, Death Lead To Settlement.

The family of a ninety year-old resident who eloped from an assisted-living facility in February and was found dead from hypothermia twenty hours later obtained a \$350,000 settlement of their lawsuit filed in the Supreme Court, Dutchess County, New York.

The company with the contract to provide nursing services for residents of the facility contributed approximately 17% of the total settlement.

The main question in the lawsuit was whether it was wrong for an assisted-living facility to take and keep a deteriorating Alzheimer's patient even though it did lock its doors and did have door alarms. The lawyers argued whether reforms to New York's licensing laws which now answer that question explicitly were in effect at the time.

### **Nursing Services**

#### **Should Have Seen Patient Transferred**

If the lawsuit had not settled, the family's lawyers would have faulted the nursing-services contractor for failing to intervene and make arrangements to transfer the resident to a facility able to handle an Alzheimer's patient, once the resident's diagnosis had been confirmed in a letter written to the nursing-services contractor by the resident's neurologist and the nurses realized her condition had deteriorated to the point that assisted living was no longer the right placement for her. **Pelletier v. Manor at Woodside, 2007 WL 4863935 (Sup. Ct. Dutchess Co., New York, December 11, 2007).**