

Quad Patient Verbally Abused Caregivers: Court Allows Facility To Discharge Him Involuntarily.

The forty-seven year-old patient entered the nursing facility following a period of hospitalization to treat a Stage IV pressure ulcer.

He is mentally competent, alert and able to speak for himself. However, as the result of his quadriplegia he cannot perform activities of daily living and is completely dependent upon others for all his most basic functions, including repositioning every two hours.

In response to his ongoing complaints about his care and caregivers the facility provided various forms of staff training specifically to address his individual needs, which proved unsuccessful at resolving his intense discontent.

The facility decided to issue a 30-day notice of involuntary discharge. Pursuant to Federal and state regulations a hearing was scheduled.

During his stay of more than a year at the facility the nurses and aides were rarely able to perform tasks and provide services to the patient's satisfaction.

He continually voiced his displeasure by badgering, berating and using profane, obscene, vulgar language toward staff members providing his daily care.

The medical director recommended a 30-day notice of involuntary discharge.

COURT OF APPEALS OF INDIANA
June 29, 2010

The hearing was held in the patient's room before an impartial examiner. The patient was present along with his sister, the facility administrator, social services director, director of nursing and RN and CNA caregivers familiar with his case.

The hearing examiner decided to allow involuntary discharge. That decision was formally adopted by the state Department of Health and then affirmed by the Court of Appeals of Indiana after the patient appealed.

The Court repeated *verbatim* for the record a string of vulgar obscenities from one particularly abusive tirade from the patient against a nurse caregiver. Unfortunately the record did not clearly detail how he was actually transferred to another care setting. **Dix v. Dept. of Health, 928 N.E. 2d 904 (Ind. App., June 29, 2010).**