

Arbitration: Patient Was Mentally Competent, Court Rules Arbitration Agreement Was Valid.

The seventy-four year-old patient had been living in an independent living facility where she fell and sustained an L1 vertebral fracture which required hospitalization followed by three weeks in the hospital's skilled nursing unit.

On admission to a nursing home from the skilled nursing unit there was concern she was suffering from a mental disorder even though she had never before been treated for mental illness.

An evaluation requested from a community mental health agency ruled out mental illness. Nursing notes referred to an ongoing urinary tract infection which seemed to account for the symptoms she was having.

On admission the patient signed an arbitration agreement along with thirty-seven other legal papers.

The patient claimed the arbitration agreement is unenforceable because she lacked the mental capacity to sign a contract when she signed it.

However, the mental status evaluation the facility requested when she was admitted indicates she did not suffer from major mental illness and that a more specialized placement was, therefore, unnecessary.

UNITED STATES DISTRICT COURT
KENTUCKY
June 20, 2011

Later the patient sued the nursing home for denial of treatment and improper care. The nursing home's first line of defense was to insist the court case be transferred to arbitration.

The US District Court for the Western District of Kentucky noted for the record an arbitration agreement is a contract and signed contracts are presumed valid. Convincing evidence is required to invalidate a signed contract.

The Court pointed directly to the admission mental health evaluation which was done not for legal protection but out of concern that the level of care available at the facility might not be adequate to meet the needs of an individual with mental illness. The evaluation disclosed no mental illness, mental impairment or cognitive deficit. ***Abell v. Bardstown Medical***, 2011 WL 2471210 (W.D. Ky., June 20, 2011).