

Arbitration: Resident Was Not Incompetent.

The Court of Appeals of Tennessee ruled the nursing home was not protected from a civil lawsuit over the circumstances of the resident's death.

The arbitration agreement was signed by the daughter at the time of admission. However, the daughter did not have power of attorney from her mother to sign legal documents. The mother was not mentally incompetent, so the issue of surrogate decision-maker was irrelevant. **Ricketts v. Christian Care Center, 2008 WL 3833660 (Tenn. App., August 15, 2008).**