

## Arbitration: Surrogate Cannot Sign For Patient.

The son of the eighty-six year-old patient had handled her business affairs for some years before he admitted her to a nursing home.

The admission nursing assessment indicated the patient's memory and cognitive abilities were seriously impaired. The son signed the admission papers for her as the responsible party. The admission papers included an agreement to go to arbitration, rather than file a civil lawsuit in court, if a liability claim arose against the nursing home.

The Court of Appeals of Mississippi ruled the son did not have to go to arbitration against the nursing over the circumstances of his mother's death but would have his day in court.

The law sets out a list of decisions a surrogate decision-maker can make for the healthcare of an impaired patient. The list does not include consenting to arbitration on the patient's behalf. **Covenant Health & Rehab. v. Estate of Lambert, \_\_\_ So. 2d \_\_\_, 2006 WL 3593437 (Miss. App., December 12, 2006).**