

## **Patient vs. Patient Assault: Court Sees Grounds To Fault Nursing Facility.**

The victim, a long-term resident of the nursing home, was given a new roommate, an individual who was admitted to the nursing home less than 24 hours after assaulting a nurse at a Veterans Administration medical facility.

### **VA Discharged the Perpetrator Because of Violent Tendencies**

The first instance the two men were left alone in their room together the new roommate attacked the victim with a metal food tray, causing bilateral subdural hematomas and scalp lacerations requiring a trip to the emergency room via ambulance and five days hospitalization.

It came to light that the VA had discharged him and sent him to the nursing home because of his well-known aggressive and violent tendencies.

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***The patient's expert's opinion correctly states the standard of care.***

***No healthcare facility can to expose a patient to the risk of harm at the hands of another patient with a known history of aggressive and violent behavior.***

COURT OF APPEALS OF ARIZONA  
October 16, 2008

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The Court of Appeals of Arizona ruled the patient's lawsuit was on solid ground.

Reportedly there was also an independent issue with the length of time it took for a competent assessment of the true severity of the injuries by the nurses and for emergency services to be called. **Cook v. Scottsdale Residential Care Investors, 2008 WL 4667316 (Ariz. App., October 16, 2008).**