

Neglect: Autism Patient Allowed To Eat Plastic Straws.

The Court of Appeals of Minnesota upheld the decision of the state Department of Human Services that a lay caregiver was guilty of neglect of a vulnerable adult for allowing his twenty-six year-old autistic son to have plastic drinking straws in direct defiance of strong medical evidence he was chewing them up and swallowing them and having serious intestinal complications as a result.

Neglect can be defined as a caregiver's failure to provide reasonable and necessary care for the adult's health and safety, taking into account the adult's dysfunction, unless the caregiver's act or omission is accidental.

The court ruled it was not a therapeutic "calming mechanism" to allow the patient to chew on plastic straws, in light of his long history of medical problems from doing so. The court also found irrelevant the father's argument he did not intentionally cause the young man to swallow the straws. Appeal of Wajda, 2005 WL 1432286 (Minn. App., June 21, 2005).