

Fall: Assisted Living Facility Found Guilty Of Negligence.

The eighty-three year-old patient fell at home and had to be hospitalized. While in the hospital he suffered a stroke which left him partially paralyzed on his left side.

The effects of the stroke created major problems for him with ambulation and also seemed to have affected his short-term memory.

Before discharge from the hospital the hospital's physical and occupational therapy departments recommended for his placement following discharge that he be given stand-by assistance with ambulation.

No Assessment on Admission To Assisted Living

When the patient was transferred to an assisted living facility the nurses reportedly just assumed he was a fully independent self-care patient, without examining, assessing or evaluating him and without obtaining and reviewing his discharge paperwork from the hospital.

After the patient fell the first time, a day or two after arriving, no effort was made to re-assess his needs and change the care plan to include fall precautions.

Patient Fell, Dislocated Hip

The patient was housed on a wing of the facility for independent residents where only one aide was on duty during the night.

A fire started in the boiler room. It was put out quickly by the automatic sprinkler system, but the fire set off the fire alarm facility-wide and created a significant amount of smoke.

The one aide on duty assumed he was fully independent, that is, aware of the need to evacuate and capable of doing so on his own, and did not even try to help the patient out of his room.

While trying to exit on his own in response to the fire alarm and the smoke which was filling his room the patient fell and dislocated his hip.

The incident was the beginning of a downward spiral in his health status which the family's lawsuit alleged led to his death.

The jury in the Circuit Court, Portage County, Wisconsin awarded the family \$915,397 from the assisted living facility. **Turner v. North Haven, 2010 WL 3603994 (Cir. Ct. Portage Co., Wisconsin, May 3, 2010).**

The patient was admitted to the assisted living facility without a complete nursing assessment after being in the hospital for a broken hip and a stroke.

He was partially paralyzed on one side and had significant problems with short-term memory.

The physical and occupational therapists in the hospital had recommended stand-by assistance for any and all movements.

The patient was not examined, assessed or evaluated by the facility's nurses on admission.

Nor was any effort made to obtain his records from the hospital where he came from, even though the discharge recommendations would have been particularly important.

The patient was simply assumed to be independent in ambulation and in need of no assistance for routine activities of daily living.

The patient fell only a day or two after entering the facility.

That incident did not lead to review and modification of his care plan. Nor was his physician contacted for input as to his care needs and recommendations for fall precautions.

CIRCUIT COURT
PORTAGE COUNTY, WISCONSIN
May 3, 2010