

## Readmission Fall-Risk Assessment: Court Sees Recklessness.

The elderly patient was admitted to a nursing facility selected by the family for its ability to meet his special needs stemming from diagnoses of dementia, coronary artery disease, diabetes and arthritis.

A few weeks after admission he was found on the floor in his room, confused and hallucinating but uninjured. He was provided with a wheelchair because of his noticeably unsteady gait.

A few days after that his increasing confusion prompted a five-day admission to the hospital for reevaluation of his dementia-related medical issues.

The same day he was discharged from the hospital back to the nursing facility he was left unattended and unrestrained in a wheelchair near the nurses station. He stood up, tried to walk, fell and broke his hip and struck his head on the floor.

In the family's lawsuit it came to light that there was no comprehensive nursing reassessment done when he was readmitted to the facility. Had a comprehensive reassessment been done it would have revealed his current dementia-related deficits with regard to personal safety and his need for close supervision and possibly restraints. The Superior Court of Connecticut ruled there were grounds for a lawsuit. *Estate of George v. Haven Health Center*, 2011 WL 1886594 (Conn. Super., April 21, 2011).

---

***The nursing facility's failure to conduct a comprehensive readmission reassessment of the patient's needs for supervision and personal safety goes beyond negligence to the level of recklessness.***

***Recklessness is considered intentional misconduct for which punitive damages may be awarded in addition to compensation for the injuries suffered.***

***The nursing facility was fully aware of the patient's health status, that he had just been hospitalized for reevaluation of his confusion and other dementia-related medical issues.***

***There was a willful decision not to conduct a full reassessment of his current status and needs promptly upon readmission and a willful decision to leave him unattended to ambulate in an open area of the facility.***

SUPERIOR COURT OF CONNECTICUT  
April 21, 2011

---