

Alzheimer's: Patient Force-Fed Medication, Court Rules Nurse Did Not Abuse Her Patient.

The usual practice was to mix the patient's medications with her applesauce. If the patient was difficult, as she often was, the care plan called for the person trying to give her her medications/applesauce to leave her alone and return later or ask someone else to try.

One day a dietary aide and a CNA reported to the director of nursing that a nurse held the patient's head back with one hand and tried to force the applesauce into her mouth with the other. When the patient started swinging her arm at the nurse the nurse told the CNA to restrain her arm as the nurse went ahead. The resident jerked her head from side to side and tried to kick and buck out of her wheelchair.

Investigators from the department of health and senior services recommended charges of patient abuse. The Missouri Court of Appeals, however, ruled the nurse committed no abuse.

In general, patients have the right to refuse treatment and to be free from restraint and coercion. Forcing medication upon a mentally competent patient who wished to refuse would be abusive.

However, combative behavior is not uncommon with dementia patients whose reasoning has been impaired to the extent they cannot function independently and must rely on caregivers for basic needs, the Court said. There was no evidence the nurse caused any physical or emotional harm. **Stone v. Dept. of Health**, ___ S.W. 3d ___, 2010 WL 3218912 (Mo. App., August 17, 2010).

A caregiver's name will be placed on the list of persons disqualified from working with vulnerable persons if it is determined that the caregiver knowingly or recklessly abused a resident of a facility in which the caregiver was employed.

Abuse is defined as the infliction of physical, sexual or emotional injury or harm.

This resident had been diagnosed with Alzheimer's dementia and had a long history of noncompliance with care and outright combative behavior.

Noncompliance or combative behavior during medication administration did not necessarily mean that emotional injury or harm was being inflicted on the resident by the nurse giving her her medication.

MISSOURI COURT OF APPEALS
August 17, 2010