

Living Will: Patient Treated Without Her Consent, Jury Awards Family Damages.

A ninety-two year-old Alzheimer's patient resided in a nursing home.

She had a living will which prohibited the use of unnatural life-saving procedures.

The patient was intubated and catheterized when she became seriously ill. After the endotracheal tube and catheter were removed she lingered six more days still conscious before she finally passed.

Her daughter filed suit for negligence and non-consensual medical care in the Circuit Court, Palm Beach County, Florida.

The nursing home performed medical interventions without the patient's consent.

The nursing home failed to implement procedures to see that a patient's living will was in the chart and failed to train staff in the correct course of action in a medical emergency when a patient has a living will.

CIRCUIT COURT, PALM BEACH COUNTY
FLORIDA
March 7, 2007

The jury awarded \$150,000 to the probate estate for the patient's conscious pain and suffering during her final ordeal.

The jury discounted the nursing home's arguments that its staff were not aware of the patient's living will and were automatically required to take emergency measures when any patient became seriously ill. ***Estate of Neumann v. Morse Geriatric Center***, 2007 WL 1828700 (Cir. Ct. Palm Beach Co., Florida, March 7, 2007).