

# LEGAL EAGLE EYE NEWSLETTER

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## Patient Wanders To Roof, Falls To Death: Court Holds Medical Facility Responsible.

The eighty-two year-old patient was in the hospital for pneumonia. He had been in the hospital more than a week.

His nurses knew he was short of breath and needed supplemental oxygen. However, he was able to walk without assistance and was for the most part alert and oriented.

The last morning of his life a staff nurse assisted him to the bathroom. While doing so she observed that he was able to walk on his own and bear his full weight on his own legs.

He was not depressed and had verbalized no expression of suicidal intent. At the same time he was concerned he might have leukemia despite medical testing that was negative.

Starting at 8:00 a.m. a nurse gave him a breathing treatment, cough medicine and IV antibiotics. His IV was completed at 10:30.

Twenty-five minutes later a radiology tech told his nurse he was not in his room and could not be located.

### **Patient Dressed Himself Wandered From His Room**

The patient dressed himself apparently believing it was time for him to go home. As he was leaving he got lost in the maze of hospital corridors, went through a door on to the roof and could not figure out how to get back into the



***A medical facility caring for the elderly must anticipate they will wander unattended from their rooms.***

***While wandering to places unintended for them to go they can become confused, even panicked, and make ill-advised, unsafe decisions.***

***Signs and warning alarms are a must wherever an elderly patient might go.***

COURT OF APPEAL OF LOUISIANA  
March 19, 2004

building. He sat on the roof ledge and waited for help. He turned around when he believed someone had come out to help him, but lost his balance and fell four stories to his death.

### **Medical Facility Faulted**

According to the Court of Appeal of Louisiana, a medical facility caring for elderly persons must anticipate just this sort of tragic event.

The hallways to the main exit doors several floors below had no signs marking them as access to the outside.

The door to the roof was not signed as a restricted area. There was no alarm to alert staff that someone, probably a patient, had wandered through the door onto the roof. The door, once allowed to close, locked and could not be re-opened from the roof.

The point of the court's ruling was that a medical facility has a legal duty to anticipate that any location in its maze of hallways where an elderly person can become lost, trapped, confused and panicked can be a deadly trap. Even an alert, oriented elderly person can become disoriented and wander into dangerous territory with no mental defense against serious injury. ***Thomas v. Sisters of Charity*, \_\_ So. 2d \_\_, 2004 WL 541111 (La. App., March 19, 2004).**

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