

## Patient Fall: Court Reviews Charges Of Negligence.

The patient was admitted to the nursing home following a stroke.

She fell or was dropped during a transfer from her bed to a wheelchair and sued the nursing home for negligence.

The local parish district court judge believed it was simply an unavoidable accident and dismissed the lawsuit.

The Court of Appeal of Louisiana, however, ruled there were grounds upon which a jury could find the nursing home guilty of negligence and sent the case back to be scheduled for a civil jury trial in which the patient will have her day in court.

### **Maximum Assistance Required**

The patient's care plan at the time called for maximum assistance during transfers. At this facility that phrase meant that the patient was not expected to bear weight on either or both of her legs during a transfer maneuver. If one particular person had the strength to lift the patient, that one person would suffice.

After the fact the patient's care plan was changed to two-person assistance, but that was not relevant before the fact.

The one person attempting the transfer in question was pregnant and weighed only 103 lbs., that is, she was significantly smaller than the patient herself. Also, she was not at the time certified as a CNA, had not yet been trained in transfer techniques and apparently did not appreciate the risk of the patient falling.

### **Boot Not Removed From Foot**

The patient wore a boot on one foot for pressure relief while in bed.

Although it was not correct technique in this case to allow the patient to bear weight on either foot, if a patient is to bear weight on one foot during a transfer, according to the Court, the footwear on that foot has to be appropriate for supporting the patient without slipping during the transfer, and if not it has to be removed for the transfer.

The boot was not removed from the patient's weight-bearing foot, a fact which the Court presumed contributed to the fall. **Repp v. Sherwood Manor, 2009 WL 4981908 (La. App., December 23, 2009).**