

Alzheimer's: Aide Who Punished Uncooperative Patient Convicted Of Cruelty To An Infirm Person.

Two aides were trying to dress an uncooperative Alzheimer's patient. The patient struck one of the aides. The aide slapped the patient. The patient hit back and the aide slapped her again. When the other aide insisted she stop slapping the patient the aide left the room.

A week later the aide who had slapped the patient was trying to shower another uncooperative Alzheimer's patient.

The aide was seen standing by the door to an outside courtyard. She was asked where her patient was and said she was outside. When asked why, she replied her patient had been, "acting a fool." Fifteen minutes later she brought the patient back indoors slumped down in her wheelchair.

Cruelty to the infirm is intentional or criminally negligent mistreatment or neglect by any person, including a caregiver, which causes unjustifiable pain or suffering to an infirm, aged or disabled adult or a resident of a nursing home, mental facility or hospital.

Unjustifiable means the pain or suffering is not an inevitable part of necessary medical care and treatment.

COURT OF APPEAL OF LOUISIANA
December 13, 2006

The Court of Appeal of Louisiana upheld the aide's criminal conviction for simple battery of the first patient and attempted cruelty toward the second.

It was only 29° F when she put her patient outside for the sole purpose of inflicting pain or suffering upon her victim who was an infirm, aged or disabled adult resident of a nursing home entrusted to her care.

The aide's sentence of five years imprisonment at hard labor for the attempted cruelty offense was justified, the court ruled, because she abused her position, that is, she violated the trust placed in her by the victims' families who looked to her to care for their very vulnerable loved ones. **State v. Brow-how, __ So. 2d __, 2006 WL 3615551 (La. App., December 13, 2006).**