

Nursing Home Resident Falls In Utility Room: Nursing Home Ruled Liable.

A nursing home resident fell and broke her arm. She died one year later from causes unrelated to this accident, according to the court record. Two years after her death, the administrator of the estate sued the nursing home seeking damages related to the fall. The suit alleged she had fallen in a puddle of a liquid substance, due to the failure of the nursing home to properly monitor its hallways and walkways to insure that such substance did not pose a hazard to the nursing home's residents.

The primary purpose of a nursing home is to take care of residents who, because of age, infirmity or some ailment, are no longer able to take care of themselves.

A nursing home has the duty to exercise ordinary care in keeping the premises safe for its residents.

The duty of keeping the premises safe for its residents applies to defects or conditions which are in the nature of hidden dangers, traps and the like, which are not known to the residents and would not be observed by the residents in their exercise of ordinary care.

The unlocked soiled utility room constituted a hidden danger or trap, posing a hazard to the safety of the residents.

COURT OF APPEALS OF GEORGIA, 1995.

Initially the case was thrown out, on the basis of the sworn affidavits of two nursing home employees. One of the employees was the social worker who had oriented the resident to the facility. The social worker stated she had explained to the resident that the soiled utility room was "off limits" to residents and had been designated as a "employee only" area of the facility. She stated she believed the resident had heard and comprehended this instruction. The charge nurse on duty at the time of the fall stated in her affidavit that when she went to assist the resident, she did not observe any liquid or foreign substance on the floor of the utility room, although there was moisture on the soles of the resident's shoes.

The Court of Appeals of Georgia ruled that the lower court should not have thrown out the suit. In reinstating the case against the nursing home, it ruled that merely telling a resident that the soiled utility room was "off limits" and for "employees only" was insufficient to fulfill a nursing home's legal duty of care toward its residents. The nursing home clearly knew the utility room was potentially dangerous for the reason that it sometimes had a wet floor. The nursing home should have taken adequate precautions to protect its residents from danger, such as posting warning signs outside the door, and keeping the door locked. There also should have been better efforts undertaken to monitor residents to keep them out of the utility room. **Pye vs. Taylor & Bird, Inc.**, 456 S.E. 2d 63 (Ga. App., 1995).