

Patient Not Restrained, Falls From Bed: Lawsuit Against Nursing Home Is Dismissed.

The decision to impose bodily restraints, either chemical or physical, on an elderly patient with Alzheimer's or other dementia is a decision that can only be made by a physician.

This patient's physician decided only to order a half-rail put up on the side of the bed to prevent the patient rolling off the bed.

Imposing more restrictive bodily restraints on elderly persons like this patient to prevent them getting up on their own or falling out of bed carries its own set of risks to the patient and thus is not warranted across the board in all cases.

A physician familiar with the care of elderly dementia patients should have specialized knowledge of the mental capacity and behavioral proclivities of the particular patient in order to apply the complicated risk/benefit analysis of whether restraining the patient exposes the patient to more potential harm than good.

In any case, the nursing facility is not to be faulted after the fact in court for staying within the physician's orders for this high-fall-risk patient.

COURT OF APPEALS OF TENNESSEE
November 25, 2008

The eighty-eight year-old patient was admitted to the extended-care facility with a diagnosis of Alzheimer's disease.

She was identified on admission as a high-fall-risk patient.

After she fell out of bed without sustaining any injury her attending physician, the facility's medical director, ordered her bed mattress lowered to the lowest level, the bed pushed against the wall and a half-side rail raised on the exposed side to prevent her from falling again.

Ten days later, at 2:30 a.m., the nursing staff found her on the floor with a cut over one eyebrow and bruising to her face, apparently from falling from the foot of the bed.

The physician examined and treated her later that day.

After the patient passed from causes unrelated to the fall the patient's son, as executor of the probate estate, sued the nursing home for negligent supervision. The core allegation of the lawsuit was that an elderly person falling in a nursing home, in and of itself, is evidence of negligence.

Court Declines to Impose Liability

The Court of Appeals of Tennessee accepted the testimony of the treating physician/medical director as an expert in the care of elderly Alzheimer's patients.

Restraining an elderly Alzheimer's patient in bed to keep the patient from falling is not appropriate in many cases. Physical restraints carry with them significant risks of their own.

It was her professional judgment not to restrain this patient. The nursing staff could not and should not have restrained the patient with the physician having decided restraints were not appropriate.

The patient's records demonstrated that the nursing staff fully complied with facility rules, rules which were within the legal standard of care, to check on patients at least every two hours during the night and were not expected to have discovered her on the floor any sooner. **Cannon v. McKendree Village, 2008 WL 5048250 (Tenn. App., November 25, 2008).**