

## Fall: Facility Faulted, No Toileting Schedule.

After a nursing home resident fell repeatedly trying to ambulate to the bathroom a jury in the US District Court for the Northern District of Mississippi awarded damages to her probate estate.

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***The nursing home's staff were aware, starting with the resident's first fall, that she was getting up and going to the toilet unaided despite her cognitive deficits and ambulation problems.***

***The nursing home should have implemented a toileting schedule for her.***

UNITED STATES DISTRICT COURT  
MISSISSIPPI  
November 27, 2007

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A toileting schedule is mandated when a cognitively-impaired patient falls repeatedly trying to ambulate to the bathroom, sit down and stand up again without calling for assistance, to minimize the need for the patient to try to get up on her own, the family's nursing expert testified.

There should have been padding on the floor and/or padding on the resident to minimize the potential for injury if she fell, the family's nursing expert also said.

Fall-risk assessment begins on admission and is an ongoing responsibility.

A Posey vest was not appropriate for this patient, the jury believed, contrary to the family's expert's testimony that not restraining the patient was additional evidence of negligence.

There was no physician's order for a restraint as required by law and anyway it would not have been appropriate to seek such an order. ***Gray v. Grenada Health and Rehab***, 2007 WL 4224337 (N.D. Miss., November 27, 2007).