

## Nursing Home Resident's Fall: Court Finds Negligence In Failure To Lock Wheels Of Chair.

**A** nursing home resident, or any patient using a wheelchair, has the right to expect that his or her caregivers will lock the wheels or otherwise secure the chair so that the resident or patient can safely sit in the chair and arise from it without falling and sustaining injury. If caregivers fail to do so, a civil lawsuit for negligence can be filed on the resident's or patient's behalf, according to the U.S. District Court for the Eastern District of Michigan.

In this case, a nursing home resident fell attempting to sit down in her wheelchair, landed on the floor, and fractured her hip. She filed suit in state circuit court. The corporation which owned the nursing home took the case to U.S. District Court on the basis of Federal interstate jurisdiction, but the Federal court nevertheless affirmed the resident's right to sue for negligence.

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***It is negligence to leave a nursing home resident's wheelchair unlocked or in an unstable position for sitting down and getting up.***

***If a nursing home resident falls while attempting to sit down in a wheelchair, and sustains injury, such as a fractured hip, because the wheels were not locked or because the chair was not otherwise secured for the resident's benefit, the resident has the right to sue.***

UNITED STATES DISTRICT COURT,  
MICHIGAN, 1997.

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The big issue was whether the injured nursing home resident's lawsuit had to prove professional malpractice, as opposed to ordinary negligence.

The court ruled it is ordinary negligence for caregivers to leave a nursing home resident's wheelchair wheels unlocked or the chair unsecured. This makes it easier for an injured party to sue and win a verdict in such a case, as expert testimony is not needed to prove ordinary negligence. According to the court, locking the wheels of a wheelchair is not an exercise of professional judgment. It is the common knowledge of lay persons who sit on juries that not locking the wheels is substandard care, the court said. McLeod vs. Plymouth Court Nursing Home, 957 F. Supp. 113 (E.D. Mich., 1997).