



Nursing Home Employees are only Criminally Liable under the Vulnerable Adult Abuse Act for Consciously Ignoring Risk of Harm of an Act or Omission that Results in Harm

A nursing home resident was restrained in a reclining chair. Later, a nursing supervisor released the resident and allowed her to walk in the hallways. The resident slipped while walking and broke her hip. The Attorney General charged the nursing supervisor with criminal violations of the vulnerable adult abuse act. After the lower courts found sufficient evidence to bind the nursing supervisor over for trial, the Court of Appeals reversed, agreeing with our client's position that the evidence failed to show she recklessly disregarded the resident's safety. The criminal charges were dismissed without trial.

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PRACTICE AREAS

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