

Elder abuse law: Arizona Supreme Court rules hospitals are not exempt

The Arizona Supreme Court has ruled that hospitals are not exempt from the state's elder abuse prevention law.

Hospitals had argued that law should only apply to nursing homes and similar facilities

In a decision that will come as a relief to families who have elderly loved ones in the hospital, the Arizona Supreme Court has ruled that hospitals are not exempt from the state's elder abuse prevention laws, according to KNAU News. The hospitals argued that the Adult Protective Services Act of 1989 only applied to nursing homes and similar care facilities and not to hospitals. The court, however, disagreed with that argument, and its decision could have a significant impact on [hospital malpractice](#) cases in Arizona.

Care versus treatment?

According to the Arizona Capitol Times, the hospitals argued that the relevant law only applies to facilities that provide "care" to the elderly and vulnerable adults. The hospitals claimed they didn't provide care, but instead provided treatment. Therefore, the hospitals claimed they were exempt from laws designed to protect the elderly from abuse.

The Arizona Supreme Court, however, said that such a line of reasoning would end up thwarting "the Legislature's goal of protecting vulnerable adults." In a unanimous decision, the Supreme Court pointed out that if a patient suffers bedsores because they have not been turned over by staff then it should not matter whether such neglect occurred in a hospital or a nursing home. The court ruled unanimously that the hospitals were not exempt from the Adult Protective Services Act of 1989.

Goes beyond medical negligence

The decision concerned two cases brought by the survivors of loved ones who had allegedly been mistreated at Arizona hospitals. While the survivors had the right to sue under medical negligence and malpractice laws, they opted to try to hold the hospitals accountable under elder abuse laws.

The reason such a distinction is important is because of how pain and suffering is determined

in such cases. In a medical negligence suit, pain and suffering are typically determined up until the patient passes away. However, if the suit involves allegations of abuse that led to death then the courts could consider the pain and suffering part of the lawsuit to have continued after the patient's death.

Medical malpractice

The above case is good news for anybody that wants to make sure vulnerable people receive the best care possible at Arizona's hospitals. Anybody who has been the victim of medical malpractice or negligence should contact a qualified attorney as soon as possible. People who have suffered because a medical practitioner did not perform his or her job correctly deserves compensation, but it often takes diligent legal representation to make sure any negligent parties are held accountable for their actions. Please contact the Law Offices of Raymond J. Slomski, P.C. if you believe you or your family member has suffered due to medical malpractice or negligence.

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