

## Personal Care Home Had No Duty to Restrict Resident's Movements

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Several days ago, the Pennsylvania Superior Court issued a non-precedential decision in the case of **Hackenburg v. Grane Healthcare Co.** In this matter, a resident of a personal care home (Amber Terrace) was struck and killed by a drunk driver while walking through an intersection in Altoona, Pennsylvania. The administrator of the estate sued the personal care home, arguing that the facility knew or should have known of the decedent's propensity to wander away, and that the personal care home was negligent in failing to monitor and implement and support and care plan to address this.

Amber Terrace denied that it had any duty to restrict his movements. The Court of Common Pleas of Blair County agreed, granting the defendants' summary judgment motion. The administrator of the estate appealed.

The Superior Court found that Amber Terrace did not have any rules as to when residents must be in the facility. Residents could come and go, as they desired. The Superior Court also cited the extensive testimony regarding the decedent's social independence and his mental and physical abilities.

The Superior Court found that imposing such a restriction would have infringed upon the decedent's rights. In support, they cited the Pennsylvania Administrative Code provisions protecting the rights of personal care home residents to leave and return home consistent with home rules and the resident's support plan, and that a resident should be free from restraint.

The Court affirmed the trial court's decision, finding that Amber Terrace did not owe a duty to restrict the resident's movements.

The full text of the opinion can be read [here](#)

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