Peter Martin Writes "Caretakers of the Elderly: Risk, Neglect and Injury" for Worcester Medicine

BY PETER J. MARTIN • AUGUST 24, 2022

Does placing a vulnerable elder at higher risk of illness constitute an injury to that person, leading to criminal liability? Are administrators of long-term care facilities criminally liable if they make policy decisions that increase risks to residents of such facilities? These are questions Peter Martin addresses in his article in *Worcester Medicine,* which discusses the indictment filed by The Commonwealth of Massachusetts against two administrators of the Soldiers' Home in Holyoke, Massachusetts who decided, in the face of staff shortages during the early days of the pandemic, to merge two dementia housing units. The charges included five counts of elder neglect and permitting serious bodily injury to an elder. Here is an excerpt:

> Grand juries must find probable cause that the defendants committed the applicable offense. This probable cause standard is less than that required to secure a conviction but is more than "mere suspicion." The statutes in this matter made it unlawful for a "caretaker of an elder" to "wantonly or recklessly" permit serious bodily injury to an elder, or to wantonly or recklessly commit or permit another to commit abuse, neglect or mistreatment of an elder. The "serious bodily injury" alleged here were first, an increased risk of contracting Covid-19 and second, dehydration and malnutrition.

Continue reading the full article "Caretakers of the Elderly: Risk, Neglect and Injury" on pages 16 and 17 of the digital issue of *Worcester Medicine*.

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