

SUPREME COURT OF VIRGINIA

Alcoy v. Valley Nursing Homes, Inc., 272 Va. 37

630 S.E.2d 301 (2006) · No. Record No. 051701 · Decided June 8, 2006

SUMMARY

The Supreme Court of Virginia considered whether negligence and sexual assault and battery claims arising from a nursing home's alleged failure to provide adequate staffing, visitor screening, and security were subject to Virginia's Medical Malpractice Act. The court held that the alleged administrative, personnel, and security omissions did not constitute health care or professional services under the Act. It reversed the circuit court's judgment and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Justice Barbara Milano Keenan
JURISDICTION	Virginia
DECIDED	June 8, 2006
DOCKET	Record No. 051701
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The administrator appealed from a circuit court order granting Valley's motion in limine and subsequently granting summary judgment to Valley in a negligence, sexual assault, and battery action arising from an assault at a nursing home.
STANDARD OF REVIEW	De novo review of the circuit court's interpretation of the Medical Malpractice Act, which presented a question of law.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Virginia
PARTIES	Bennie G. Alcoy, Jr., Administrator of the Estate of Delfina G. Alcoy, Deceased v. Valley Nursing Homes, Inc.

TOPICS

nursing home liability medical malpractice statutory interpretation standard of review appellate procedure

PRACTICE AREAS

health law torts appellate procedure

QUESTIONS PRESENTED

1. Whether negligence and sexual assault and battery claims based on a nursing home's alleged failure to ensure a resident's safety are subject to Virginia's Medical Malpractice Act.
2. Whether the circuit court properly granted summary judgment because the administrator's witnesses were not qualified to provide expert medical testimony under the Medical Malpractice Act.

HOLDINGS

1. Claims alleging that a nursing home failed to protect a resident from sexual assault through inadequate personnel, visitor screening, and facility security are not subject to Virginia's Medical Malpractice Act when the alleged omissions concern administrative, personnel, and security decisions rather than health care or professional services rendered or that should have been rendered to the individual patient.
2. Summary judgment based on the Medical Malpractice Act's expert-testimony requirements was improper because the administrator's claims were not governed by the Act.

KEY QUOTATIONS

“We conclude that these alleged omissions do not involve the provision of health care or professional services as contemplated by the Act.” (272 Va. at 43)

“This statutory language illustrates the General Assembly's intent that the Act apply only to omissions and actions related to medical treatment and care of an individual patient, rather than to any tort committed against a patient on the premises of a medical care facility.” (272 Va. at 44)

FACTUAL BACKGROUND

In 2002, Delfina G. Alcoy, a 79-year-old woman who was physically helpless, unable to communicate verbally, and incapable of making decisions after suffering a stroke, was admitted to Woodbine Rehabilitation and Healthcare Center, a nursing home operated by Valley. Four days after admission, Alcoy was sexually assaulted, suffering vaginal bleeding and tearing; the assailant was never identified. Alcoy died approximately eight months later, and her estate alleged that Valley's inadequate staffing, visitor screening, and security systems caused the assault.

PROCEDURAL HISTORY

The administrator filed an amended motion for judgment against Valley in the circuit court, seeking compensatory and punitive damages. The circuit court ruled that the claims were governed by Virginia's Medical Malpractice Act, granted Valley's motion in limine, and entered summary judgment because the administrator's witnesses were not qualified to provide the expert medical testimony required by the Act. The Supreme Court of Virginia reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the circuit court for further proceedings consistent with the principles expressed in the opinion.

CASES CITED

- Wilby v. Gostel, 265 Va. 437, 578 S.E.2d 796 (2003)
- Transcontinental Ins. Co. v. RBMW, Inc., 262 Va. 502, 551 S.E.2d 313 (2001)
- Britt Constr., Inc. v. Magazzine Clean, LLC, 271 Va. 58, 623 S.E.2d 886 (2006)
- West Lewinsville Heights Citizens Ass'n v. Board of Supervisors, 270 Va. 259, 618 S.E.2d 311 (2005)
- Mozley v. Prestwould Bd. of Dirs., 264 Va. 549, 570 S.E.2d 817 (2002)
- Williams v. Commonwealth, 265 Va. 268, 576 S.E.2d 468 (2003)
- Woods v. Mendez, 265 Va. 68, 574 S.E.2d 263 (2003)
- Industrial Dev. Auth. v. Board of Supervisors, 263 Va. 349, 559 S.E.2d 621 (2002)
- Alliance to Save the Mattaponi v. Commonwealth, 270 Va. 423, 621 S.E.2d 78 (2005)
- Hagan v. Antonio, 240 Va. 347, 397 S.E.2d 810 (1990)
- Gonzalez v. Fairfax Hosp. Sys., 239 Va. 307, 389 S.E.2d 458 (1990)
- Glisson v. Loxley, 235 Va. 62, 366 S.E.2d 68 (1988)

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