

190.03 Nursing Home Care Act – Burden of Proof – No Contributory Negligence

The plaintiff has the burden of proving each of the following propositions:

[First, that _____ was injured and sustained damages [while
name of resident
_____ was a resident of _____];
name of resident name of facility];

[Second, that the defendant[s] [were] [was] the [owner] [and] [licensee] of a covered facility];

Third, that the defendant[s] [negligently] [and] [or] [intentionally] violated the Nursing Home Care Act in one of the ways claimed by the plaintiff as stated to you in these instructions;

Fourth, that the defendant’s violation of the Nursing Home Care Act was a proximate cause of the injury to the plaintiff.

If you find from your consideration of all the evidence that each of these propositions has been proved, then your verdict should be for the plaintiff. On the other hand, if you find from your consideration of all of the evidence that any of these propositions has not been proved, then your verdict should be for the defendant.

Instruction and Notes approved May 2014.

Notes on Use

If the allegations in the case involve negligence, IPI 10.01 should be given. If the allegations involve willful conduct, IPI 14.01 should be given.