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FROM THE PLAINTIFF'S SIDE

Holding Nursing Homes Accountable

He was a World War II veteran who had seen combat in the South Pacific. After his retirement, he and his wife bought a motor home and traveled across the United States and Mexico. He was devoted to his wife. She was devoted to her husband.

One day, she had to make an agonizing decision. She could no longer give her husband the kind of care he needed at home. He was a diabetic and had become increasingly unsteady on his feet. After visiting numerous places, she decided on what she thought was the right nursing home. On his admission, the nursing home staff noted that he was incontinent, had an unsteady gait and impaired vision. Her husband was a high risk for falls.



When a nursing home resident is identified as a fall risk, the standard of care requires that all reasonable preventative measures be put into place to prevent falls. Some of those preventative measures include: chair and bed alarms; frequent monitoring; involving the resident in activities; putting in place a bowel or bladder program and slip resistant footwear.

In this case, not one of the fall precautions were put into place. Less than a month after his admission, he suffered his first fall while trying to take himself to the bathroom. see Nursing Home p 2

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A Driver has a duty to yield to Pedestrians using a Sidewalk

We represented a family with 3 small children who were on vacation in Myrtle Beach. The family was walking down a sidewalk that ran directly beside an amusement park. It was Saturday afternoon in the middle of June; the sidewalks were full of other families on vacation, just like our clients. Their son was very interested in the roller coaster that was running above their heads as they walked on the sidewalk. He asked his mother if he could walk a few feet ahead so he could get a look at the roller coaster. Under the watchful eye of his parents the young boy began crossing the driveway at one of the gate entrances. He was watching the roller coaster.See Sidewalk p 3

...cont'd The Nursing Home

After that first fall, the nurses noted that he had impaired safety judgment and some short term memory loss. That meant that even if the nurses reminded him to call for help or not to walk by himself to the bathroom, he would not remember that instruction. Despite that knowledge, the nursing home put in place no other interventions. The nursing home did not call his doctor. The nursing home did nothing.

Approximately one week later, he had a “near fall” while attempting to walk to the bathroom. Finally the nursing home put in place one precaution to prevent him from falling again. A chair alarm was placed on his chair. If he were to get up unassisted, the alarm would sound and a nurse or CNA would be able to assist him. However, no other interventions were put into place. And, his beautiful wife was never told about these prior falls.

Less than a month after the first fall and the near fall, he suffered a third fall which broke his hip. The one preventative measure that was supposed to be in place, the chair alarm, was not on his chair as he attempted to get to the bathroom. This third and final fall caused him to become bed bound after his return from the hospital. Now, an even more serious problem lay ahead: the development and progression of a pressure ulcer or bed sore.

The methods to prevent the progression of a pressure ulcer are to (1) Relieve pressure by turning and repositioning every two hours; (2) Monitor and maintain proper nutrition and hydration; and (3) to insure proper treatment of the wound, with bandage changes and debridement.

In this case, the defense expert testified that he was not turned every two hours. He lost significant weight once he returned to the nursing home. In order to fight off the progression of the bed sore, he needed to maintain proper nutrition and hydration. His albumin level (an indicator of malnutrition) began to steadily decrease. Further his BUN level (an indicator of dehydration) began to steadily increase. With significant weight loss, low albumin and high BUN levels, it was clear that he was not maintaining proper nutrition and hydration. As a result, his body could not effectively fight off the pressure sore. Finally, as the wound progressed, neither the resident physician nor the nursing staff properly treated his wound. There were no weekly wound assessments as required by the facility’s own policies and procedures. There was no debridement of the wound. Ultimately, he lost his life as a result of sepsis caused by the pressure ulcer.

We brought suit on behalf of his widow against the resident physician and the nursing home. We alleged that the falls were preventable when reasonable fall precautions put in place. We also alleged that the facility and physician failed to properly treat and prevent the progression of the pressure ulcer that ultimately took his life. After discovery, the parties were able to settle the case.

Prevention of Pressure Ulcers

- Turn and Reposition every 2 hours
- Proper Nutrition and Hydration
- Proper Wound Care

CASE CLOSED

Highlights from recently resolved cases

Premises Liability Case The Water Meter Cover



Case Closed-

The City's own witnesses testified that the depressed water meter was a hazard that should have been repaired

...cont'd Sidewalk

At the same time, the owner of several of the games operating within the amusement park was leaving the park after delivering inventory. Our client saw the reverse lights of the truck come on and screamed to the driver to stop as she ran towards her child. The truck did not stop. The bumper struck her son and knocked him down. Then, the back wheel of the driver's side rolled over her son's pelvis. As she was screaming to the driver, the driver pulled forward and ran over her son again. Our client and her two other children witnessed the entire event.

The issue in this case centered on yielding the right of way to pedestrians, and we found that the truck driver failed to yield the right of way. South Carolina Code Section 56-5-3250 provides: "The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian and all other traffic on the sidewalk." It was clear that the young boy had the right of way on the sidewalk and witnesses testified that the impact took place on the sidewalk. Despite, the denial of liability, the case settled following mediation.



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... see *Medi-*