

VERDICTS & SETTLEMENTS

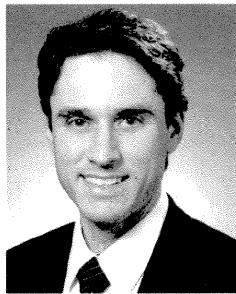
Elderly patient suffers fatal fall

\$200,000 settlement

The patient, 90, was admitted to a nursing facility on March 8, 2005, due to very poor mental and physical health. At the time of admission, she was noted to be a "moderate fall risk." The records would confirm that the woman fell many times at the facility, including once from her bed. Consequently, a cushioned mat was placed on the floor next to her bed.

On Oct. 27, she was transferred to a more advanced care floor at her family's request in order to receive more intensive care and supervision. However, none of the staff in charge of her care ensured that the mat was placed next to her bed upon transfer.

Sometime during the early morning of Oct. 30, she fell from her bed and struck her head on the hard-surfaced floor. She was found at approximately 7:30 a.m., lying in her own urine with evidence of head trauma, facial injury and neck pain. She had a half-dollar-size hematoma on the left side of her forehead



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along with a large black-and-blue bump. There was concern over possible intracerebral bleed, as the patient was on Coumadin due to a prior pulmonary embolism.

After the fall, the staff delayed transferring the patient by ambulance to an ER for three hours due to confusion over her code status. When she arrived at the ER, she was found to have a

cerebral hemorrhage. She then went into respiratory distress and required intubation. She demonstrated no improvement in her neurological status and her condition continued to decline dramatically until she passed away from cardiorespiratory arrest three weeks after the fall.

The plaintiff alleged that the staff knew or should have known that the woman was at increased risk of falling from her bed, and that a fall onto a hard-surfaced floor could result in severe injury and death considering her frail state and the fact that she was on a blood thinner.

The plaintiff further alleged that the staff deviated from applicable standards of medical care by failing to order or ensure that a mat was placed alongside her bed in the new unit or to order or arrange for other fall prevention measures such as a bed alarm, a bed that was low to the ground and/or quarter side bedrails.

Following unsuccessful mediation, the case settled shortly after suit was filed and a Chapter 93/176D demand letter for unfair settlement practices was issued.

Type of action: Negligence & tort

Injuries alleged: Conscious pain and suffering, death

Name of case: Withheld

Court/case no.: Withheld

Tried before judge or jury: N/A (settled)

Amount of settlement: \$200,000

Date: Jan. 23, 2009

Attorney: Jeffrey N. Catalano, Todd & Weld, Boston (for the plaintiff)