

## Verdicts & Settlements

# Woman's Leg Amputated Month After Fall At Nursing Home

**Dies five months later  
\$250,000 settlement**

A 98-year-old resident of the defendant nursing home suffered from Parkinson's disease, arthritis and early dementia and was noted to be at high risk for falling.

On March 12, 2009, she suffered a fractured left fibula as a result of a fall while being transferred to the bathroom by an employee.

The plaintiff alleged that the employee, a CNA, did not follow the resident's care plan when she attempted to transfer the plaintiff by herself rather than with the assistance of an aide.

After her broken leg was placed in a compression dressing, the woman developed an open ulcerated area on her left ankle while her left heel turned necrotic.



**Jeffrey N. Catalano**

Those developments were not detected by the defendant staff until March 30, more than two weeks after the dressing had been applied.

Due to the severity of the problem, the plaintiff required an above-the-knee amputation on April 16. Five months later, on Sept. 14, the plaintiff passed

away due to "failure to thrive."

An investigation conducted by the Department of Public Health indicated that either the CNA failed to follow the plan of care requiring a two-person assist because she attempted to transfer the resident herself, or the aide assisted the CNA in helping the resident to a standing position, then left them alone. The facility's internal investigation revealed that the CNA failed to follow the

care plan by attempting the transfer unassisted.

The orthopedic surgeon had ordered that the bandage was to remain in place and not be removed, which the defendant asserted was the cause of the delayed diagnosis of the ulcer and amputation.

**Action:** Negligence & tort

**Injuries alleged:** Broken leg leading to ulcer and amputation

**Case name:** Withheld

**Court/case no.:** Withheld

**Jury and/or judge:** N/A (settled)

**Amount:** \$250,000

**Date:** Feb. 17, 2011

**Most helpful expert:** Brenda Morgan, director of Nursing Services, Mansfield

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