

Nursing home resident breaks hip, dies after surgery

Risk of falling, need
for protection
measures disputed

\$350,000 settlement

An 89-year-old woman was admitted to a nursing home in November 2007 with Alzheimer's disease and dementia. She frequently wandered and required constant supervision. The plaintiff alleged she also was at a high risk for falling, an assertion that the defendants disputed. The plaintiff alleged that no fall-protection measures were in place.

According to the plaintiff, at approximately 11:30 p.m. on Aug. 12, 2010, the resident fell near the nurse's station, sustaining a broken hip and broken left finger. However, in violation of policy, the nurse failed to properly assess her condition for any fractures. Therefore, despite the injuries, she was walked back toward her room by the nurse, further exacerbating her pain and suffering. In further violation of policy, the nurse failed to notify the resident's doctor or family of the fall.

At approximately 12:15 a.m., a second nurse arrived for the overnight shift. After being informed by the first nurse of the fall, she also failed to properly assess the resident for injuries or to notify the resident's family or her doctor, according to the plaintiff.

A third nurse arrived at 7 a.m. and likewise neglected to assess the resident upon the start of the shift, despite being notified of the fall and the resident's resulting pain. The nurse determined



Jeffrey N. Catalano



Eric Asquith



Christine R. Thompson

that it was acceptable for the patient to get up and continue with her activities of daily living.

By 10 a.m., the nursing supervisor confronted the morning nurse about the resident, who at that time was moaning in pain and had an externally rotated left leg that was distinctly shorter than the right. An X-ray team was called and deemed it was unnecessary to perform an X-ray since her hip was clearly broken.

The resident was admitted to a local hospital, where X-rays revealed a leg fracture. She was taken to the OR for left hip hemiarthroplasty, but died shortly after the procedure. The medical examiner determined that her cause of death was a left hip fracture.

The nursing home terminated all three nurses; two of them had their licenses suspended.

The plaintiff claimed that the defendants' personnel records revealed a history of disciplinary problems. The plaintiff also obtained affidavits of two current employee nurses regarding concerns about care provided by one of the defendants.

The defendants argued that the plaintiff had no history of falls and was not a risk. They also asserted that the brief delay in diagnosis of her fractured hip did not cause or contribute to her death.

Suit was brought by the decedent's family for wrongful death against the three nurses and the nursing home.

Action: Negligence & tort

Injuries alleged: Death after surgery on broken hip and left finger

Case name: Withheld

Court/case no.: Withheld

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

Amount: \$350,000

Date: Nov. 5, 2014

Attorneys: Jeffrey N. Catalano, Eric Asquith and Christine R. Thompson of Todd & Weld, Boston (for the plaintiff)



Todd & Weld LLP

toddweld.com