

New York Nursing Home Faces Punitive Damages for Elder Abuse

Attorney Paul Dansker educates public about nursing home patients' rights

New York, NY – (January 20, 2010) – *The New York Post* recently reported that in December 2009, a Brooklyn nursing home was found guilty of negligence in the case of a patient who developed numerous bedsores while under the home's care. The jury awarded the patient's family close to \$4 million for pain and suffering, plus an additional \$15 million as punishment for trying to cover up the poor patient care. This case is the first to charge a nursing home with punitive damages.

Sadly, this example of nursing home neglect is not the only one. Elder abuse is prevalent in nursing homes around the country, and with serious consequences for patients. Older adults who are victims of elder abuse are more than twice as likely to die prematurely as are adults who are treated properly, according to a study published in the August 5, 2009 issue of the *Journal of the American Medical Association*.

The National Center on Elder Abuse defines institutional elder abuse as "any of several forms of maltreatment of an older person by someone who has a special relationship with the elder (a spouse, a sibling, a child, a friend, or a caregiver)" that occur in residential facilities for older persons, including nursing homes. Its website, www.ncea.aoa.gov, explains that "perpetrators of institutional abuse usually are persons who have a legal or contractual obligation to provide elder victims with care and protection (e.g., paid caregivers, staff, professionals).

Looking exclusively at falls, the Centers for Disease Control and Prevention noted that an average nursing home with 100 beds reports 100 to 200 falls each year, representing up to 75 percent of residents. Many falls were caused by environmental hazards like wet floors, poor lighting, incorrect bed height and improper wheelchair use.

A November 2009 report from the University of California, San Francisco, stated that 26 percent of the nation's nursing facilities were cited in 2008 for poor quality of care, 44 percent of nursing homes failed to ensure a safe environment for residents, 36 percent had food sanitation regulations violations and 33 percent of facilities received deficiencies for failure to meet quality standards.

Paul Dansker, Esq., is a New York City-based personal injury attorney who has represented families of elder abuse victims. "Mistreatment can take many different forms, including physical,

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emotional, psychological or sexual abuse; neglect; withholding food and water; or denying visits from family and friends. Many older adults and their families may not even be aware that laws exist to prevent this type of harm,” Dansker said.

“Family members and friends of nursing home residents must be vigilant in looking for signs of possible abuse or neglect,” advised Dansker. “These can include personality changes, depression, anxiety, unexplained or unusual bruises and injuries, rapid weight loss, poor grooming, and potentially unsafe conditions.”

Dansker recommends that families of individuals in nursing homes keep a personal record of possible mistreatment, including specifics on dates, times, and caretakers in charge.

“Careful documentation of possible neglect or abuse will be necessary in the event that a family member decides to file a complaint or lawsuit,” he said. Dansker also added that a family should seek out the assistance from local and state adult protective services or long-term care agencies who can advise on appropriate steps to take.

For state-specific elder abuse prevention information and resources, visit www.ncea.aoa.gov/NCEARoot/Main_Site/Find_Help/State_Resources.aspx.

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About Dansker & Aspromonte Associates:

Dansker & Aspromonte Associates is a New York City-based personal injury law firm that represents individuals seriously injured as the result of construction and motor vehicle accidents; medical malpractice; falls; brain injuries; sexual assaults; lead paint ingestion and more. The firm has represented thousands of clients and obtained hundreds of millions of dollars on their behalf in over thirty years in practice.