



## America Calling!

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## When things go wrong in USA Aged Care

This edition is devoted to a summary of recent awards of damages arising out of litigation against USA nursing homes.

The list is remarkable for the astronomical awards but is also useful in giving some insight as to what can go wrong in a facility and what Americans are suing for. The list has been gathered from the Chicago Nursing Home lawyers' blog.

- **Texas - \$300million** for the death of a resident due to malnourishment and decubitus ulcers
- **Texas - \$90million** for the death of a resident
- **New Mexico - \$54million** for a resident who died due to internal bleeding undetected by the home and subsequent attempts to cover up
- **Tennessee - \$33million** for a resident who developed pressure sores and urosepsis, fell, broke their hip and walked on it for 7 days
- **Kentucky - \$20million** for a resident who cried in pain for hours before her death due to an untreated bowel obstruction
- **Texas - \$19million** against a nursing home for failing to protect a resident from self inflicted abuse and from the abuse of other residents
- **Delaware - \$13million** for a resident who walked into a freezer at the nursing home and was found 4 hours later by staff. She sustained frostbite to her hands, face, fingers and toes and died 24 days later from a pulmonary embolism.
- **Texas - \$6million** for failing to properly position and monitor a resident who became entangled in the restraining belt of a wheelchair and died
- **Kentucky - \$4million** against a doctor and nursing home who failed to monitor a resident's lithium dosing causing toxicity and ultimately death
- **Illinois - \$2.9million** for a facility which failed to suction a resident's tracheotomy tube for 5 days causing it to become obstructed and who died from respiratory arrest after going into a coma for 2 days
- **California - \$2million** for a facility which failed to provide end of life pain relief.

Bear in mind that a substantial component of these damages is punitive damages i.e., the courts wanting to punish the operators and not just compensate the victims. It is also interesting that some of these cases involve actions by a deceased resident's estate against a provider.

Regards  
**Brian Herd**