

Nursing Home Abuse

In this inaugural issue of *JLL Reports*, a periodic newsletter for our clients and friends, we focus on nursing home abuse. A recent case our firm handled highlights the severity of nursing home abuse. This case, as well as information for family members who suspect abuse, are featured in this newsletter.

Nursing Home Abuse Victim Receives \$2 Million

Joseph, Lichtenstein & Levinson recently obtained a \$2 million dollar settlement on behalf of a severely developmentally disabled man who suffered serious burns at a nursing home. Representing the plaintiff were partners Ken Levinson and Ed Lichtenstein and associate Jay Stefani. Mr. Levinson, the lead attorney for the plaintiff, noted "this was clearly a case of severe abuse resulting in very painful and long-lasting injuries, complicated by the fact that our client was developmentally disabled and non-verbal and could not defend nor articulate what had happened to him. This result gives our client's guardian the ability to choose a new facility that can provide better care for the special needs of this individual for the rest of his life."

Nursing Home Abuse – How to Recognize It and Report It

For those suspecting nursing home abuse, one of the difficulties is proving it. There are many forms of abuse and while some of the issues may not seem severe, a skin rash or pressure sore for example, if left untreated a seemingly "inconsequential" rash or pressure sore can develop into a severe infection which could result in the loss of a limb or become life threatening. So it is important to recognize possible abuse and then report it to the nursing facility management.

If the issue goes unresolved in a timely manner or continues to be repeated, then you might want to explore legal action. In some cases, abuse results in a serious injury – a burn, a fracture, an infection – that results in coma or death. In these cases, you should consult with an attorney to ascertain whether legal action is warranted and what possible remedies might be available.



What to look for:

Pressure sores (commonly called "bedsores")

Personal hygiene deficiencies (Skin rash or irritation)

Bruises, lesions or bone fractures

Significant weight loss

Depression or disorientation

Unexplained mood changes, fear or anxiety

Possible cause:

Lack of movement from prolonged sitting or reclining in the same position

Lack of bathing or elimination cleanliness

Result of a fall or physical abuse or trauma

Lack of sufficient nutrition and/or hydration

Result of over-medication or under-medication or mental trauma

Result of verbal, physical or sexual abuse

Illinois Department of Public Health statistics reveal that there are approximately 1,200 long-term care facilities serving more than 100,000 residents throughout the state. While these facilities are licensed, regulated and inspected at least annually, the Department's Nursing Home Hotline receives nearly "19,000 calls and respond to more than 5,000 complaints each year." With so many complaints and limited staffing resources, it can take an extraordinary amount of time to resolve issues through the state system. However, we are here to help – legal action can resolve issues more expeditiously and yield possible financial compensation.

If you suspect abuse of a loved one living in a nursing home, please call us to discuss possible options and remedies.

Resources

Illinois Department of Public Health Nursing Homes in Illinois – A complete listing of nursing homes throughout the state, as well as quarterly reports of nursing home violations. Visit www.idph.state.il.us for more information.

Consumer Reports Nursing Home Quality Monitor – This online resource “identifies nursing homes that are likely to provide better-quality care and those likely to provide poorer-quality care” on a state-by-state basis. Visit www.consumerreports.org (in the keyword search box, type “Nursing Home Guide”) for a listing of nursing homes evaluated by Consumer Reports.

Other News

Recalls

The U.S. Consumer Product Safety Commission (CPSC), in cooperation with the companies named below, have announced a voluntary recall of the following consumer products; consumers should stop using recalled products immediately:

■ Eddie Bauer – Soothe & Sway Play Yards

Approximately 77,000 portable play yards are being recalled due to reports that the play yard’s rocking bassinet stays tilted without returning to a level sleeping surface while in the rocking mode. The tilted sleeping surface can cause an infant to roll to the corner or side of the bassinet, presenting a risk of suffocation or positional asphyxiation. The play yards were sold at Target, Sears, and Burlington Coat Factory stores nationwide and Internet retailers from January 2008 through May 2009 for about \$150. For additional information, contact Dorel Juvenile Group toll-free at (888) 233-4903 between 8 a.m. and 4:30 p.m. EST Monday through Friday, or visit the firm’s Web site at www.djgusa.com. To see this recall on CPSC’s web site, including pictures of the recall product, please go to: <http://www.cpsc.gov/cpsc/pub/prerel/prhtml09/09219.html>

■ EB Brands – Fitness Balls

Approximately 3 million Bally Total Fitness, Everlast, Valeo and Body Fit Fitness Balls are being recalled due to a hazard of possible over inflation causing the fitness ball to burst

unexpectedly while in use, resulting in the user falling and becoming injured. This recall involves rubber fitness balls sold in 55-, 65- and 75-cm diameter sizes. The fitness balls were sold in various colors with the Bally Total Fitness, Everlast or Valeo logo printed on the ball by department stores and fitness retailers nationwide from May 2000 to February 2009 for between \$15 and \$30. For additional information, contact EB Brands at (800) 624-5671 between 9 a.m. and 5 p.m. ET Monday through Friday, or visit the company’s website at www.ebbrands.com. To see this recall on CPSC’s website, including pictures of the recalled products, please go to: <http://www.cpsc.gov/cpsc/pub/prerel/prhtml09/09196.html>.

JLL Attorney News



Ed Lichtenstein has once again successfully fought off an employer’s attempt to overturn a very large workers’ compensation arbitration decision. Ed’s brief was so convincing the Workers’ Compensation Commissioners denied the employer’s request to even make oral arguments before the Commission. The Commissioners affirmed the very favorable arbitration decision in full, which saved years of litigation and allowed our client’s award to be distributed immediately.



Ken Levinson has been appointed to the Chicago Bar Association’s Judicial Evaluation Committee, which evaluates Cook County Judicial candidates running for office. Ken has also been appointed to the Illinois State Bar Association’s Standing Committee on Legal Technology. Additionally, Ken has been invited to speak at an upcoming Chicago Bar Association seminar.



Congratulations to **Jay Stefani** – he is the proud father of a baby girl.



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