

LETTER OF THE LAW

A PUBLIC SERVICE OF

WILLIAMS  BAILEY LAW FIRM, L.L.P.

May 2001

Working for a better, safer Texas.

Nursing Home Abuse – SPECIAL REPORT

In Fort Worth, a certified nurse's aide set an elderly nursing home resident's bedclothes and her bed on fire...because he was angry with her for not accepting his help. Thankfully, other nurse's aides rescued the woman, who suffered minor burns. This man pled guilty last year to setting fire to her bed and was found guilty of arson.

With over 1.5 million elderly and dependent adults now living in nursing homes throughout the country, abuse and neglect of elderly residents has become a widespread problem. Even though some nursing homes provide good care, many are subjecting residents to needless suffering. Most residents in nursing homes are dependent on the staff for most or all of their needs such as food, water, medicine, toileting, grooming, stimulation and turning — almost all their daily care.

Unfortunately, some residents in nursing homes today are undernourished, dehydrated, over-medicated, and suffer painful pressure sores.

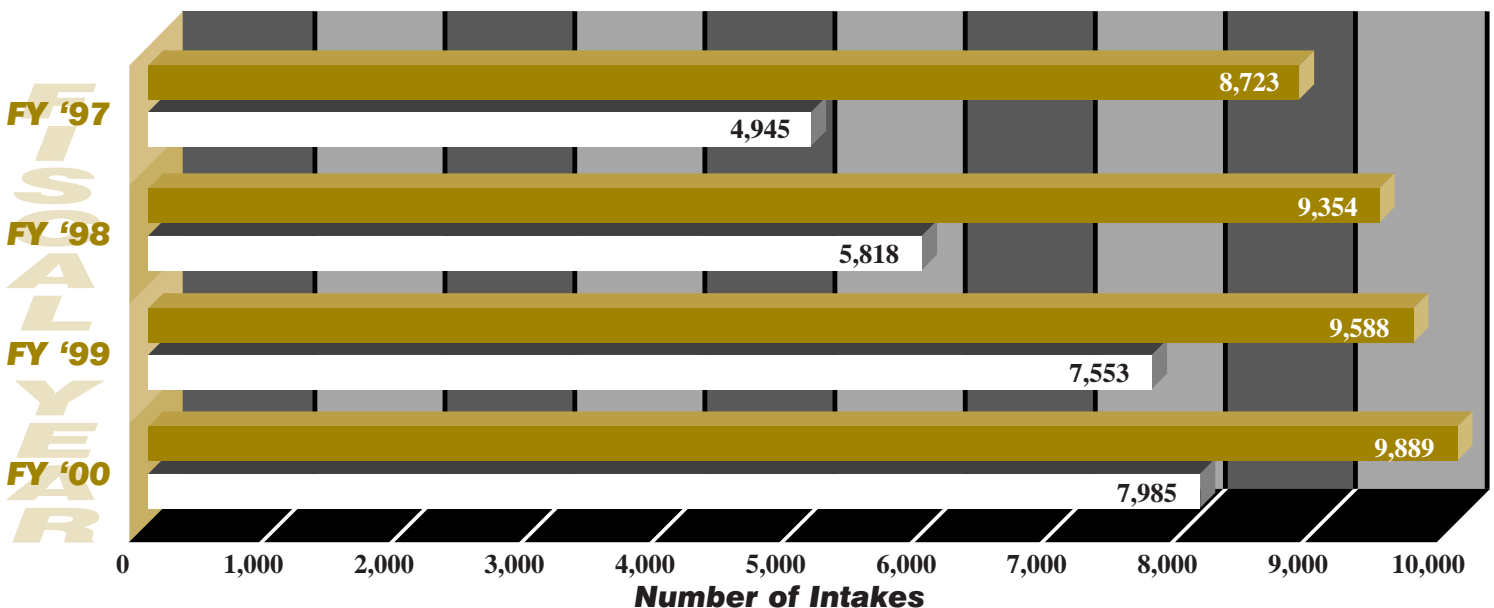


NURSING FACILITY COMPLAINT AND INCIDENT INTAKES FISCAL YEARS 1997-2000

In a survey taken in July 2000, more than 141,000 Texans were known to be living in Long Term Care Facilities. Nearly 66% were in Nursing Facilities and the rest were living in Assisted Living conditions. During the 2000 Fiscal year the TDHS received 17,874 complaints and incidents, and there may be many more that were not reported. Even more alarming is the rise in the number of incidents over the past years. Despite the reports and penalties enforced against these institutions, residents are continuing to suffer.

The elderly deserve to be cared for properly; their lives and dignity need to be protected. Our law firm stands up for them. If you feel that a family member or friend has been mistreated, or harmed in any way by a nursing facility, please call attorney Robert Schwartz at 1-888-709-6674. Call us if you suspect neglect!

 **Complaints**  **Incidents**



Source: Nursing Facilities Section TDHS LTR FY2000 Annual Report

Note: Totals for Fiscal Years 1997-1999 were updated to include priority 5 complaints and incidents.

TOP 10 MOST FREQUENT NURSING HOME COMPLAINTS IN 2000

As revealed by Texas Department of Human Services 2000 Annual Report

1. Failure to provide services to maintain good nutrition, grooming, personal and oral hygiene.
2. Insufficient staff.
3. Mistreatment, neglect and abuse of residents by facility staff and/or misappropriation of residents' property.
4. Failure to provide necessary care and services to attain or maintain the highest practicable, physical, mental and psychosocial well-being.
5. Failure to provide housekeeping and maintenance services necessary to maintain a sanitary, orderly and comfortable interior.
6. Physical, mental and verbal abuse by staff or other residents.
7. Failure to accommodate individual needs and preferences (Resident Rights).
8. Failure to ensure the facility is free from accident hazards or a failure to provide adequate supervision and assistance devices to avoid accidents.
9. Failure to prevent or treat pressure sores.
10. Failure to inform residents and family members of resident rights, and all rules and regulations governing resident conduct.

WHO TO CONTACT

If you suspect neglect or abuse to a disabled or elderly person, call 911 or local law enforcement if the person is in immediate or severe danger.

If you have complaints about a nursing home, contact the Texas Department of Human Services at 1-800-458-9858.

If you or someone you love suffered from improper care at a nursing or retirement home, contact attorney Robert Schwartz at Williams Bailey, 1-888-709-6674, to discuss your legal rights.

NURSING HOME NEGLECT LOOK FOR SIGNS & REPORT THEM!

If you have a friend or family member in a nursing facility, watch for these signs of abuse or neglect:

- Report any evidence of an intentional injury, which may include admissions from the individual involved, inexplicable hand marks on the resident's body, and facial injuries you believe are beyond normal.
- Look for unexplained bruising or skin trauma (tears) that appear in unusual places on a resident's body, such as "grip" bruising on the inside upper arm or "footprint" bruising on legs and arms.
- Listen for unusual complaints of a certain aide's "rough treatment" or take note of an uncommon dislike for certain members of the care staff.
- Heed the resident's unusual fears or anxiety when a certain staff member enters his or her room.
- Take note of a resident's unexplained or sudden weight loss, loss of appetite, loss of mobility, or loss of interest in favorite activities.
- Investigate unexplained falls or trauma to the head, jaw, face, or neck.
- Check into any decubitus ulcer (bed sore) that fails to heal or becomes more severe over time.

Additional Sources: "ELDER ALERT," Vol. 9, No. 1

DID YOU KNOW?

Williams Bailey is a full service law firm. In addition to the services we offer in asbestos litigation and class actions, we offer our services and resources in the personal injury area. If you, a family member or a friend have been injured in an accident, please contact our firm at 1-800-220-9341 to discuss your right to recover damages.

HAVE YOU MOVED?

Please be sure to notify us of any changes of address or phone number you may have so that we can immediately contact you of settlements or trial information.

PRESORT STANDARD
US POSTAGE
PAID
HOUSTON TX
PERMIT NO 7338

WILLIAMS BAILEY LAW FIRM, L.L.P.
8441 Gulf Freeway, Suite 600
Houston, Texas 77017-5001
713/230-2200 FAX: 713/643-6226
www.williamsbailey.com

