

Jonathan Rosenfeld's Nursing Homes Abuse Blog

Posted on December 24, 2009 by [Jonathan Rosenfeld](#)

[Nursing Home Abuse Blog Readers Highlight Issues Facing Many Patients & Families](#)

I am grateful to our readers who continually supply me some great topics to write about. I also receive questions from readers regarding a particular situation they may be experiencing. I try to answer every question I get or direct readers to a resource to get more information. I have put many of commonly encountered questions in our FAQ category for easy access. Don't worry, I never disclose your personal information.

Here are some of the most popular FAQ's:

- [How do I get a copy of medical records from a nursing home?](#)

One of the most important steps in determining if a cause of action exists against a nursing home or hospital is to review the medical records. The records will help determine what-- if any-- mistakes were made by the facility in the care of the individual.

Getting medical records from a nursing home, physician or hospital can be a daunting task due to privacy regulations (HIPPA) and misunderstanding of the laws that apply to obtaining the records-- both on the part of the person requesting the records and on the part of the medical facility.

- [Who is responsible for deciding whether an assisted living facility can properly care for a resident?](#)

Assisted living facilities are generally governed by state law. In Illinois, assisted living facilities (ALF's) are licensed, regulated, and inspected by the Illinois Department of Health (IDPH). The IDPH ensures that all ALF's in Illinois comply with the provisions of the state Illinois Nursing Home Care Act (210 ILCS 45). IDPH is responsible for the initial licensing and continued re-certification and inspection of the facility.

If a patient feels that his or her resident rights are being violated, a complaint may be filed with IDPH, which may prompt a complaint investigation to ensure that the facility is properly caring for all residents.

Jonathan Rosenfeld represents victims of nursing home abuse and neglect throughout the country. For more information please visit Nursing Homes Abuse Blog (www.nursinghomesabuseblog.com), Bed Sore FAQ (www.bedsorefaq.com) or call Jonathan directly at (888) 424-5757.

- [What is an advance directive and should I have one?](#)

An Advance Directive is a written statement about how you want medical decisions to be made in the future if you can no longer make them yourself. Federal law requires that you be told of your right to make an advance directive when you are admitted to a health care facility.

- [Are nursing home patients protected under federal law?](#)

Although many nursing home patients frequently feel trapped within the situation they are currently in, nursing home patients actually have many rights granted to them under federal law. Federal law empowers nursing home patients to make decisions with respect to their medical treatment and personal care.

[Who Regulates Nursing Homes?](#)

In most states, nursing homes are regulated by a combination of state (Department of Health) and federal authorities (U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services [CMS]). Each agency has its own regulations that control all aspects of the nursing home including: resident care, staffing, policies and procedures and medical equipment.

Because nursing homes are responsible for complying with state and federal regulations, agents from either agency conduct inspections of the facility to assure compliance with the regulations. These inspections are called 'surveys' and are generally done unannounced at least one time per year. Surveys may be conducted more frequently at facilities with a history of prior violations or in response to a complaint regarding resident care.

- [What Are Signs Of Nursing Home Abuse?](#)

Physical, mental and sexual abuse are forms of abuse encountered by nursing home residents across the country. Sadly, some of the most commonly abused nursing home residents include those who are physically or mentally disabled and have no way of fighting off a perpetrator.

Remember, you know your loved one better than anyone else. If you suspect mistreatment or abuse immediately report the situation to local police and/or ombudsmen. The reality is that most episodes of elder abuse go unreported.

- [What Steps Should I Take Before Meeting With A Nursing Home Lawyer?](#)

When you become aware of mistreatment of a nursing facility it is important to get your loved one the medical treatment they need and then get into 'fact collection mode'. In fact collection mode, you are beginning to collect information about the incident, acts of the nursing home staff and medical condition of your loved one. Doing some preliminary work before you meet with a lawyer will prove for a more effective meeting.

Don't assume you will remember all facts regarding the incident. As time goes on, your memory will begin to fade. The following steps will help you organize your thoughts during a stressful time and to give an attorney the information he needs to work best on your behalf.

Have a question regarding nursing home care or patient rights? Give me a call or use our [contact form](#) to discuss. (888) 424-5757