



Jonathan Rosenfeld's Nursing Homes Abuse Blog

State Doesn't Buy Claim That Patient's Leg Spontaneously Broke

By **Jonathan Rosenfeld** on August 03, 2011

When it comes to prosecuting cases involving fractures of unknown origin, one of the primary defenses proposed by nursing homes is that the fracture was simply "spontaneous".

In other words, due to the patient's weakened state, the bone likely fractured simply as a result of the person's own weight, taking a particular **type of medication** or as a result of their own movement that may have put awkward pressure on a particular area.

While there indeed may be situations where fractures occur for the reasons mentioned above, many experts in the medical community will agree that such instances of **spontaneous fractures** are quite rare. Having prosecuted cases involving a fracture of unknown origin, I frequently consult with orthopedists or other physicians who can examine a patient's x-rays to evaluate if the fracture was related to trauma.

Particularly with disabled patients who may be unable to articulate how an incident occurred, the examination of x-rays and other radiological evidence is absolutely crucial to establishing that from a medical perspective such fracture could not have occurred absent intervention from staff or other patients.

Investigators from the California Department of Public Health apparently didn't buy the assertions made by Creekside Care Center in Stockton, CA that the thigh bone in a wheelchair-bound patient broke without any explanation or trauma. The patient died several days after the apparent incident at a nearby emergency room from cardio-respiratory distress--- attributed to the fracture.

After evaluating the 2008 incident, officials issued a AA citation and \$100,000 against the facility. Read more about this incident involving a fracture of unknown origin [here](#).