



Jonathan Rosenfeld's Nursing Homes Abuse Blog

Jury Blames Manor Care Nursing Home For Dehydration Death Of Patient

By **Jonathan Rosenfeld** on August 08, 2011

After just two hours of deliberation, a **West Virginia jury** has awarded a family of a deceased woman \$91.5 million in damages against Heartland of Charleston, a Manor Care facility. The verdict is comprised of \$11.5 million in compensatory damages and \$80 million in punitive damages against the facility. The nursing home lawsuit alleged that Heartland's **failure to provide life's elemental needs--- food and water-- contributed to her death** just weeks after her initial admission.

Allegations of nursing home neglect

Like many families coping with a family member's declining health, Tom Douglas knew it was time for his mother needed additional care that a skilled nursing facility could allegedly provide. After recognizing that he was having difficulty caring for his mother at home, he sought out a facility that was uniquely equipped to care for her various ailments including: Alzheimer's, Parkinson's and dementia,

While he waiting for space to open at an Alzheimer's facility, he temporarily placed his mother at a facility for which he intended to be a short term stay. In September, 2009 Tom placed his 87-year-old mother, Dorothy Douglas, into Heartland of Charleston for a short-term admission.

Within three weeks, Ms. Douglas' physical and emotional condition rapidly declined. During her stay she was transformed from a woman who was capable of walking, talking and generally recognizing her family to a shadow of herself.

By the time space had become available at the facility Ms. Douglas' family had selected for her care, she had lost 15 pounds and was on the brink of death. In fact, a day after her transfer Ms. Douglas was taken to a nearby hospital where she died.

Damages intended to punish the facility

Like some states, West Virginia allows families to recover both compensatory damages and punitive damages against nursing homes and other medical facilities responsible for the injury or death of a family member. In this case, lawyers for the family argued that Manor Care's **under-staffing** and **high staff turnover** were the underlying reasons for Ms. Douglas' rapid decline and eventual death.

According to news reports of the trial, former Heartland workers testified that it was physically impossible for them to care for their patients due to their extraordinary workloads. Similarly, documents produced by Heartland demonstrated that staff turnover was 112% during the year Ms. Douglas was at the facility.

My take

At some point, even the largest corporations need to take notice of the fallout from their actions. As the largest (and likely most profitable) nursing home operator, Manor Care needs to acknowledge that there are consequences for their actions.

Even as the the giant of the nursing home industry, (\$4 billion in annual revenue and more than \$8 billion in assets), when verdicts this size come down, the company surely must taken notice. Surely, verdicts such as this send a message to the decision makers that inadequate care is simply not acceptable. Even when the human impact of their poor care is removed from the equation, poor care is simply bad business.