

# Jonathan Rosenfeld's Nursing Homes Abuse Blog

## An Injury Occurring During Physical Therapy May Be The Result Of The Malpractice Of The Physical Therapist

*Posted at 5:58 AM on April 14, 2010 by Jonathan Rosenfeld*

The other day, we discussed the popularity of physical therapy amongst nursing home patients. The increasing use of physical therapy amongst the elderly-- and particularly nursing home patients-- has resulted in increases in the number of incidences of patient injury or death.

Obviously, the intent of physical therapy is to help improve a nursing home resident's physical well-being. In skilled nursing facilities injuries may occur during physical therapy session that for a variety of reasons including the physical therapists unfamiliarity with the patients, inadequate supervision or broken equipment.

When an injury of a nursing home patients does occur during a physical therapy session, a cause of action for medical malpractice or negligence may be brought for the resulting injury or death. In a negligence case, you can sue your physical therapist for negligence regarding the care you received or failed to receive.

A physical therapist (PT) owes each patient the duty to fully evaluate their signs and symptoms in order to diagnose and treat the patient so they benefit from physical therapy. A court of law can hold a physical therapist responsible/liable for an error, omission, or negligent act that results in harm.

A successful negligence case against a physical therapist requires you to prove the following elements:

- You were owed a duty from the physical therapist

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](http://www.nursinghomesabuseblog.com)), Bed Sore FAQ ([www.bedsorefaq.com](http://www.bedsorefaq.com)) or call Jonathan directly at (888) 424-5757.

- The physical therapist breached the standard of care
- This breach caused harm to you, and
- There was actual harm or “damages” to you

Many states, such as Illinois, regulate physical therapists. The [Illinois Physical Therapy Act](#) requires that physical therapists have licenses to practice. The Department of Financial and Professional Regulation, Division of Professional Regulation is responsible for licensing physical therapists. Physical Therapists can also pay to participate in malpractice insurance or [Professional Liability Insurance](#) (PLI) to shield their personal assets and ensure that there are adequate funds to make amends for wrong-doing. A PLI policy covers errors, omissions, or negligent acts.

A [study](#) on PT malpractice revealed that treatment-related events and events related to improper technique were the most common reasons for a malpractice report. Civil litigation and professional discipline are two tools that can help reduce medical error by holding professionals responsible for their actions.

If you or a family member is a nursing home resident receiving physical therapy, it is important to understand the medical necessity of physical therapy and its associated risks. Also, be aware that your physical therapist must be licensed by the state to ensure that the person is qualified to perform physical therapy. Injuries can easily occur when your physical therapist is negligent. For elderly nursing home residents, these injuries can be even more dangerous because of their weak bones and underlying medical conditions. If you or a family member suffered an injury at the hands of a physical therapist, you could be entitled to compensation for your injuries.

Common examples of physical therapist malpractice include:

- Dropping patients
- Leaving patients unattended on equipment
- Failure to supervise
- Using broken equipment
- Sexual assault
- Over-extending joints

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- Failing to inform patients of risks

If you suffered an [injury during a physical therapy session](#), you may have legal rights. We would honor the opportunity to discuss your situation. As always, you can speak to a lawyer for no initial charge to you. (888) 424-5757

Related:

[Advance for Occupational Therapy Practitioners: IL Court Overturns Malpractice Statute](#)

[Physical Therapy For The Elderly: A Necessity Or Just A Waste Of Time?](#)

[Physical Therapy For Nursing Home Patients](#)

[Barry Doyle](#) - April 14, 2010 6:43 AM

This is an interesting topic because there is some fairly intense rehabilitation done with short-term residents of nursing homes who are recovering from strokes, hip replacements, etc., and the staffing levels for therapy in nursing homes is not close to what you would see at an outpatient clinic. This sets the stage for some really terrible accidents.

It is also important to keep in mind that the therapists are often independent contractors, which means that early investigation is needed to make sure that the therapy contractor can be identified and added to the lawsuit.

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