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Violent nursing home attacks are on the rise

by **Nora Lockwood Tooher**

Dolan Media Newswires

April 3, 2009

Boston — Criminal offenders and mentally ill residents are fueling an increase in patient-to-patient assaults at nursing homes, according to experts.

This growing violence is sparking a rise in civil lawsuits by families of patients who have been assaulted by other residents, according to several elder law specialists.

In a recent survey, Wes Bledsoe, founder of A Perfect Cause, a nonprofit nursing home residents' advocacy group in Oklahoma, found 1,600 registered sex offenders in nursing homes.

The organization has also documented more than 60 rapes, murders and assaults committed by criminal offenders in nursing homes.

"It's a huge problem," Bledsoe said. "The issue of nursing homes being dumping grounds is nothing new, and certainly for years we've had nursing homes serving not only the disabled and the elderly, but more people with mental illness, behavioral problems, drug rehabbers, alcohol rehabbers and criminal offenders being placed in these facilities by state agencies."

Serious Mental Illness

While there are no official figures on the numbers of mentally ill and criminal offenders being housed in nursing homes, a recent report by the Associated Press estimated that nearly 125,000 young and middle-aged adults with serious mental illnesses lived in U.S. nursing homes last year.

Eric Carlson, a staff attorney at the National Senior Citizen Law Center in Los Angeles, said nursing homes that are having trouble filling their beds sometimes "start looking for residents, and get those residents from bad sources."

Often, the staff are not aware of a resident's violent past. And because of health care privacy laws, the facility is not allowed to disclose information about a resident to other residents, Bledsoe noted.

Families often become aware that another resident has a history of violent behavior after their loved one is assaulted, he said.

"People are being raped, physically assaulted and murdered," he said.

An Oklahoma nursing home, Whispering Pines, recently closed after its Medicare and Medicaid funding were discontinued in the wake of abuse allegations raised by Bledsoe's group.

Bledsoe is seeking legislation in Oklahoma that would require all abuse allegations to be reported to police.

He has lobbied successfully for legislation in Oklahoma that authorizes a long-term care facility for sex offenders so they won't be put into nursing homes with other residents.

Preventable Injuries

Jonathan Rosenfeld, a plaintiffs' lawyer with Strellis & Field in Chicago and author of the nursinghomesabuse blog, said it's not just young mentally ill residents or those with criminal records who act out violently in nursing homes.

"The reality is that in addition to the young people who've got some violent tendencies, there are

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older people who have similar violent tendencies who are inter-mixed with the general population," he said.

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While some facilities have separate Alzheimer's or dementia wards, many allow disturbed older residents who are prone to violence to mingle with other residents, he said.

Rosenfeld said that once a nursing home becomes aware that a resident has behaved violently or has a propensity toward violence, the facility has an obligation to take steps to protect others.

"Certainly, it's one of the most preventable areas of injuries and harm to nursing home residents," he said.

Carlson agreed: "You're prevented from saying, 'Look out for that guy,' but it doesn't eliminate a facility's obligation in making admission decisions and in monitoring residents."



1 Comments on This Article

1 Great article! We need to strike a more reasonable balance between the right to medical privacy (psychiatric records, etc.) and the right to safety. My law firm has handled several cases in Virginia in which a resident was seriously injured or killed as a result of an attack by another resident with a long history of criminal and/or aggressive behavior.

We blog on this topic at: <http://legalmedicine.blogspot.com/>
Comment By Dan Frith
Monday, April 6, 2009 at 8:59 AM

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