

Jonathan Rosenfeld's Nursing Homes Abuse Blog

Court Determines Nursing Home Corporation Can't Be Criminally Prosecuted For Employees' Negligent Conduct

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The collective negligence of multiple nursing home employees does not impute criminal conduct on the part of the corporate owner according to a recent ruling made the Supreme Judicial Court-- the highest court in Massachusetts.

The decision stems from the death of a 74-year-old patient at a MA nursing home owned by Life Care Centers of America. Despite the patient's extensive history with respect to wandering from the facility, the facility failed to take basic precautionary measures that would likely prevented the wheelchair-bound patient from falling down a set of stairs to her death.

An investigation into the patient's death concluded revealed that there were no physician orders for a device called a WanderGuard in the patient's chart. Had the WanderGuard been administered to the patient, she would not have been unable to literally wheel herself out the front door of the facility in her wheelchair.

"The Commonwealth is attempting to promote conduct that is no more than negligent on the part of one or more employees into wanton or reckless conduct on the part of the corporation," Justice Judith Cowin wrote in the majority opinion.

As a lawyer, I certainly respect the wisdom of this court. However, as an advocate for victims of nursing home abuse and neglect, I find that too often corporate nursing home owners foster a culture where patient-care is an after thought and paying civil claims is simply a way of doing business.

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.

I certainly admire Attorney General Martha Coakley's desire to pursue this type of simply wrong conduct criminally. Perhaps laws need to be stiffened to force nursing home operators to regain control over their staff.

[Life Care Centers of America](#) operates more than 200 skilled nursing homes, assisted living facilities, retirement living communities, home care services, and Alzheimer's centers.

Read more about this important decision regarding nursing home care [here](#).

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