

Bed Sore FAQs

QUESTIONS & ANSWERS FROM A NURSING HOME LAWYER

What legal action can be taken if a bed sore developed during an admission to a long-term care facility?

If you or a loved one developed a bed sore during an admission to a long-term care facility, your first step should be to get appropriate medical care for them. After medical care is obtained, you may wish to file a complaint against the facility where the bed sore developed.

Filing a complaint serves three primary purposes:

- 1) Helps get information about what a facility may have done improperly with respect to taking preventative steps or care. This information can be useful in if a lawsuit is brought against the facility.
- 2) Creates a record that becomes part of the of the facilities 'track record'. Many times these reports can help families select a facility for their loved ones.
- 3) Create an incentive for facilities to improve care. Who wants negative publicity? Many changes have been implemented at facilities in response to investigative reports.

Every state is required to have a long-term care ombudsmen program as set forth by the Federal Older Americans Act. In the long-term care setting, ombudsmen act as patient advocates to help families find facilities that meet resident needs, address problems encountered in long-term settings and inform patients of their legal rights.

Most people utilizes ombudsmen services when they encounter a problem at a facility such as a resident injury resulting from abuse or neglect. In this context, an ombudsman can help in the investigation of the incident and resolve problems with the facility.

In many cases, the information provided by a nursing home ombudsman may substantiate an episode of poor care. This information may be helpful in determining how an incident occurred and if the matter should be pursued as a nursing home negligence lawsuit. Even in cases where there are findings of improper care, most jurisdictions prohibit ombudsmen reports from being introduced into civil lawsuit.

If you have a question regarding nursing home care or seek more information regarding a nursing home injury, the ombudsmen program is a great resource to help provide you with more information. Unless you give ombudsmen specific permission to share your information with the facility, all personal information will be kept confidential.

In addition to the ombudsman program, a complaint may be initiated to the state department of health. Most states have a specialized nursing home or elder care division that can investigate situations involving suspected abuse or neglect at a facility.

Resources:

[National Long Term Care Ombudsman Resource Center](#)

[National Center On Elder Abuse](#)