

Jonathan Rosenfeld's Nursing Homes Abuse Blog

New Court Decision Allows Nursing Home Negligence Action To Proceed Against Facility Administrator

Posted at 6:05 AM on May 3, 2010 by Jonathan Rosenfeld

[Childs v. Pinnacle Health Care, LLC](#) is a wrongful death and nursing home negligence case that was filed against Pinnacle Health Care, the nursing home corporation, and Carolyn English, its director of nursing. Pinnacle Health Care, LLC is a nursing home located in Waukegan, IL.

The trial court dismissed with prejudice the three counts against the director of nursing because the allegations were limited to her role as the director of nursing and were premised on the Nursing Home Care Act ([210 ILCS 45](#)), which provides that only licensees and owners of nursing homes can be held liable under the Nursing Home Care Act.



However, the Illinois Second District Appellate Court reversed the trial court's dismissal of these counts and ruled that the dismissal was improper because the negligence allegations involved professional negligence under the Healing

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.

Arts Malpractice Act ([735 ILCS 5/2-622](#)) and were independent of the Nursing Home Care Act.

This case centered on the death of Dorothy Jones, who was a resident of Pinnacle Health Care before her death. Ms. Jones was admitted to nursing home in July 2002 when she was no longer able to walk as a result of her multiple sclerosis. Upon being admitted, Ms. Jones did not suffer from any skin impairments.

Pinnacle personnel categorized Ms. Jones to be at [high risk for developing pressure sores](#) during skin assessments performed between January 2005 and October 2006. Despite this risk assessment, Ms. Jones [developed 16 pressure sores](#) during her residency at the nursing home.

In October 2006, one of Ms. Jones' [pressure sores became seriously infected](#) and began bleeding, requiring her to be transferred to a nearby hospital. The hospital documented her injuries as follows:

- A sacral pressure sore that was so large, deep, and infected that liquid stool was seeping out of her vagina
- A scalp pressure sore that appeared to reach down to the skull
- A left leg pressure sore that exposed her tendons
- Pressure sores on her ears, which exposed cartilage.

Also, prior to Ms. Jones' transfer to the hospital, she had developed multiple severe urinary tract infections, symptoms of recurrent infection, and severe

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.

respiratory problems. Ms. Jones died from respiratory failure on October 6, 2006, only two days after being admitted to the hospital.

Clearly, to say that Ms. Jones suffered from [nursing home abuse](#) and [neglect](#) is an understatement. Pressure sores are very serious and, in most cases, preventable. How the nursing home and its personnel allowed her to develop pressure sores in the first place and their subsequent failure to treat them is unacceptable and horrifying. This case at least makes it possible for all responsible parties to be held liable: the nursing home corporation, and more importantly, the director of nursing in her professional capacity.

Sources:

[Illinois Courts: Childs v. Pinnacle Health Care, LLC](#)

[Illinois State Bar Association: Childs v. Pinnacle Health Care](#)

[Illinois General Assembly: Nursing Home Care Act \(210 ILCS 45\)](#)

[Illinois General Assembly: Healing art malpractice \(735 ILCS 5/2-622\)](#)

Strellis & Field, Chartered

Chicago Office

444 N. Wells St., Ste 202

Chicago, IL 60610

Tel: 312.201.0000

Belleville Office

216 W. Washington Street

Belleville, IL 62226

Tel: 618.235.8701

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.

Waterloo Office
115 East Mill Street
Waterloo, IL 62298
Tel: 618.939.3402

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.