

# NEW MEXICO INJURY ATTORNEY BLOG

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## Huge Nursing Home Verdict Brings Predictable Cries for Tort Reform

A huge nursing home neglect verdict in California leads to further cries for tort reform. A jury awarded a whopping \$677 million verdict against Skilled Healthcare Group, Inc. The personal injury class action lawsuit involved 32,000 patients of Skilled Healthcare.

The suit alleged that the standard of care fell well below standards as a result of Skilled Healthcare's deliberate understaffing of its facilities. It was alleged, and goes without saying, that the staffing decisions were profit driven. The company failed to meet the minimal California standards that fall even below federal standards. California requires only 3.2 daily staff hours per patient where federal regulations require 4.1 staff hours per patient.

As a result of the company's profit driven understaffing of its facilities, its patients were severely neglected with even basic needs such as basic hygiene meeting with significant delays. There are many that now herald the case as not a call for better and more responsible elder healthcare, but for tort reform. It is not the suffering of the patients at the hands of profit driven staffing decisions that upsets these folks. Instead, there are many that see the verdict as new grounds for sheltering corporate profits from callous, cruel and inhumane profit driven decision-making. It makes perfect sense that in today's climate that rather than address the suffering of the 32,000 patients that suffered as a result of Skilled Healthcare's neglect, these folks would demonize the helpless elderly suffering at the hands of Skilled Healthcare and others like them, and of course the lawyers who came to their aid.

Cries for tort reform follow every large verdict involving a corporation or industry. In fact, the moaning begins years in advance in an attempt to sway juries. Trial lawyers and the clients they represent have been under attack for the last 30 years. The cries come from the same direction as the calls for deregulation of the oil industry and gulf drilling in the midst of the BP disaster, the calls for bans on medical malpractice suits when the Institute of Medicine estimates that up to 98,000 patients die each year as a result of medical malpractice, and the arguments against financial industry reform following the near collapse of the world economy directly related to the existing lack of regulations.

Oddly, these arguments often hold sway. Fortunately, the California jury in this case did not buy into the fantasies that drive these arguments. Perhaps the jury recognized the very real and inevitable fact that many of them or their loved ones will at some point be forced, certainly few go willingly, into the care of a nursing home. And once they get there,

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maybe their verdict will provide them a little protection. Nursing home management companies like Skilled Healthcare if allowed would slash their staffs down to the receptionist and the accountant in the name of corporate profits. Fortunately, there are still attorneys willing to take on these injustices and there are still juries willing to listen despite the relentless attack on trial lawyers over the past 30 years.

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