
ILLINOIS INJURY LAWYER NEWS BRIEF

August 6, 2010

NURSING HOME ABUSE AND NEGLECT

AUGUST 6, 2010

Effect of New Illinois Nursing Home Laws

In several posts over the past two weeks we reported on the new legislation recently passed by the General Assembly and signed into law by Governor Pat Quinn to improve safety and care at nursing homes in Illinois. The new [Illinois nursing home law](#) mandated new staffing levels at many facilities and increased background checking of incoming residents. The purpose of both prongs of the legislation was to ensure that all residents were lawfully at the facility and that sufficient resources were available to provide them with the level of care they deserved.

The effects of the new mandates are already being seen at Illinois nursing homes as several facilities begin ramping up their staff levels and quality of care measures. For example, as reported in *Rockford's Channel 13 News*, the Asta Care Center in Rockford recently admitted that to comply with the new regulations, it would need to hire two to four more psychiatrists and social workers. These new workers, said an administrator at the facility, will provide more daily face-to-face interaction with nursing home residents. This increased professional care will allow the facility to properly measure the happiness of the residents of efficacy of the nursing home's programs on health and wellness. These are small, but important steps in the effort to stop [nursing home abuse](#) and neglect.

These new requirements incumbent upon Illinois nursing homes mark the bare minimum quality of care for elderly residents at these nursing homes. The failure of many current facilities to meet these basic care standards marks the obvious problem we still have across the state in providing abuse-free treatment of our seniors.

Our [Chicago nursing home lawyers](#) at Levin & Perconti understand this continual fight to provide respectable care to our vulnerable seniors. We plan on working hard to ensure that the new law in Illinois is honored by nursing home administrators. If you suspect inadequate care at a facility near you, please contact our office to discuss the legal options to improve the quality of care provided to the residents at the nursing home.

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AUGUST 5, 2010

Nursing Home Residents Brunt of Cruel Joke

A new Associated Press report describes a horrific example [elder abuse](#) involving the dehumanization of elderly residents at nursing home. Authorities recently arrested six employees at the Valley View Skilled Nursing Facility in Ukiah, California for a grotesque "joke" involving the inhumane abuse of the residents in their care. The employees allegedly covered several residents with a slippery cream. The purpose was to "grease" the residents so that their co-workers would have a difficult time handling the residents when providing basic care, like using the restroom and moving from one location to another. The abused residents suffered from dementia and were therefore unable to speak up for themselves.

The possibility for physical injury from slipping and falling alone is enough to jolt anyone's sense of compassion. But the extreme disregard for the humanity and dignity of the residents is perhaps even more disturbing.

No words can properly describe the callous, calculated, disgusting treatment of elderly residents by the very people charged with their care. What is perhaps most shocking is that the incident involved not one, but six separate employees at the nursing home. Facilities often claim that abuse only occurs rarely and is caused by isolated, renegade individuals. However, as this example demonstrates, many nursing homes fosters a culture in which many employees feel that treating their residents as inanimate objects is acceptable behavior.

Stories like these are exactly why our [Chicago nursing home attorneys](#) at Levin & Perconti spend every day fighting for the rights of abused and neglected elderly residents. There are thousands of other seniors stuck in homes just like Valley View who have no one standing up for them when they are treated like objects to be laughed at. Our [nursing home attorneys](#) will continue to provide a voice for residents. Please contact our office if you suspect any mistreatment at a nursing home near you.

Posted by Levin & Perconti | [Permalink](#) | [Email This Post](#)

Posted In: [Nursing Home Abuse](#)

AUGUST 4, 2010

Illinois Legislator Discusses New Nursing Home Law

Illinois State Senator Gary Forby recently wrote an article discussing new [Illinois nursing home law](#). As published in the *Carmi Times*, the new rules and regulations passed by the Illinois General Assembly were designed to curb the widespread negligence at many nursing homes in Illinois.

Specifically, previous investigations at Illinois care facilities had highlighted the prevalence of physical abuse often caused by inadequate background checks of incoming residents. Many Illinois nursing homes admit convicted felons and residents with dangerous psychiatric disorders. These individuals place other elderly nursing home residents in danger of assault, battery, theft, and other crimes. The prevalence of felons in Illinois nursing homes has most recently been exposed by Attorney General Lisa Madigan's surprise nursing home inspections. The Attorney General has conducted a dozen unannounced investigations so far, each time finding several convicted felons hiding among our elderly nursing home residents.

The Illinois governor signed a bill this week seeking to help curb some of these rampant [nursing home abuse](#) problems in Illinois. The new bill requires better screening procedures to ensure that new residents are not using the facility to hide from authorities. This includes timely criminal background checks within 24 hours of a possible new resident entering a facility. The screening will also assess whether a resident applicant with certain mental instabilities may be better served at a different location.

In addition the law increases the staffing ratio required at each facility and the number of hours of nursing care that each resident will receive per day. These necessary changes are targeted at limiting the abuses and neglect caused by too few nurses and aides unable to spend the necessary time with each patient to provide the care mandated by law.

On top of that, accountability will be strengthened at the facility, with more state inspectors. These inspectors will help in the daunting process of monitoring the new law to ensure that nursing home comply with the law. All too often, new laws lack effectiveness, because nursing home administrators simply refuse to adequately follow the guidelines and the state does not adequately monitor the homes to ensure that the law is followed.

As we have consistently done in the past, our [Chicago nursing home attorneys](#) at Levin & Perconti will keep a vigilant eye on all Illinois nursing homes to ensure that this new law is enforced. The care of our elderly residents should never be sacrificed, and the laws must be respected. If you suspect any violations of these new requirements, please contact our offices.

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AUGUST 3, 2010

State Court Imposes Corporate Liability on Nursing Homes

Law.com is reporting on an important decision that will affect [nursing home lawsuits](#) in Pennsylvania. In *Scampone v. Grane HealthCare Co.*, the Supreme Court of the state found that nursing homes were similar to hospitals in the care they provide, and therefore they should be treated by the law in a similar manner.

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The case rose to the state Supreme Court after a jury held Grane HealthCare corporately liable for the death of a resident of one of its facilities. The jury determined that Grane's nursing homes were chronically understaffed, providing substandard care to the plaintiff, Madeline Scampone. Ms. Scampone died of a heart attack, caused in part by the negligent actions of the nursing home staff at the facility.

The decision will allow future victims of nursing home negligence and abuse an easier avenue to achieve justice. In the past, nursing homes and the companies that run them were difficult to sue, because the state courts had not ruled on the relationship between these companies and the residents who depend on their care. However, now nursing home victims will be able to point to this ruling in advancing their claims that the corporations who own nursing home are responsible for the care at those homes.

Judge Mary Jane Bowes explained in the ruling, "Clearly the degree of involvement in the care of patients of skilled nursing home facilities is markedly similar to that of a hospital and bear little resemblance to the sporadic care offered on an out-patient basis in a physician's office." Justice requires that nursing homes and their corporate backers be held responsible for the care provided to residents at their facilities. They should never be allowed to hide behind nuanced legal definitions to avoid paying for their mistakes. Our [Chicago nursing home attorneys](#) at Levin & Perconti understand the importance of this [nursing home law](#) ruling. We have seen time and again how nursing home companies cut corners and sacrifice standard care in order to end up with more money in their bank accounts. Nursing homes residents and taxpayers foot the bill for the care of these facilities, and they deserve proper treatment for their payment.

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AUGUST 2, 2010

Nursing Home Investigated for Negligent Care

Wisconsin's largest nursing home remains under investigation this week after continued reports of [substandard nursing home care](#). *The Milwaukee-Wisconsin Journal Sentinel* has been following the developments at Mount Carmel Health & Rehabilitation Center.

The investigation by the state's public health department is in its second week. The review was prompted by a viral outbreak at the facility which affected at least 21 residents. It was unclear exactly what caused the medical problem which was classified as leading to "generalized respiratory symptoms."

This is only the latest in a long line of examples of extreme misconduct by the facility. Seven other lawsuits are still pending against the nursing home. On top of that, the state noted 35 specific care violations at the facility this year alone. In one case, staff members were caught lying about the location of a resident. The staff members reported seeing one resident repeatedly over a ten hour period, even though in reality the resident had left the facility and was arrested for prowling in a nearby neighborhood.

The seven remaining lawsuits at the facility involve residents who died as a result of pressure sores, [physical falls](#), failure to provide assistance devices and [elopement](#). It seems that everything that could go wrong at a nursing home has gone wrong at this facility.

Unfortunately the outrageous conduct at Mount Carmel is not an isolated example of chronic nursing home negligence, as our [Chicago nursing home attorneys](#) at Levin & Perconti know all too well. For decades we have witness the same nursing homes committing the same acts of negligence leading to deadly consequences to the residents at their facilities. Unfortunately too many facilities fail to learn from their previous mistakes.

Often the only thing that gets the attention of negligent nursing homes and their corporate backers are lawsuits that affect their bottom line. Our attorneys are committed to protecting the rights of injured nursing home residents and their families. If you or someone you know has been similarly victimized, please contact our office.

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Posted In: [Bad nursing homes](#)

AUGUST 1, 2010

Health Care Aides Steal From Elderly Resident

Yet another example of [elder financial abuse](#) is being reported in *Poughkeepsie Journal*. Two female aides were working at the Lake View Arms apartment complex, assisting the elderly residents who lived in the units with basic health and household upkeep tasks.

However, authorities recently discovered that the aides were stealing from the elderly residents to whom they were providing care. The women stole cash, blank checks, and personal property from the vulnerable seniors who they were supposed to be serving. Luckily, police officers were made

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aware of the theft and arrested the women before they were able to commit any additional acts of robbery. As reported often on this blog, the vast majority of cases of elder financial abuse are never reported. Several billion dollars are taken from seniors each year.

Our [Chicago nursing home abuse attorneys](#) at Levin & Perconti encourage more vigilant oversight of the financial transactions of our all vulnerable seniors. Many seniors have no choice but to place enormous trust in the care workers who are supposed to assist in their daily needs. All too often, those workers are unable to resist the temptation to take advantage of their authority and steal the resources of the senior. Sadly, most seniors have no one to stand up to their abusers, and so the thieves get away.

This abuse occurs at the hand of nursing home workers, at-home aides, and even family members of the victim. While many officials are working to limit the problem, there is still enormous work to do before our seniors are protected and respected. Please contact an elder lawyer if you know of any suspicious [elder financial abuse](#).

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Posted In: [Financial abuse and exploitation](#)

JULY 31, 2010

Illinois Nursing Home Violation: Edwardsville Terrace

Edwardsville Terrace, a care facility in Southern Illinois, recently received several Type "A" Violations from the Illinois Department of Public Health and fined \$20,000. The violations resulted from a mismanaged healthcare emergency situation at the facility which involved nursing home abuse and neglect.

A mentally disabled and diabetic resident of the facility had been ill for several weeks. However, staff of the nursing home failed to properly provide close monitoring after the illness, such as recorded daily vital signs. In addition, they did not properly check the resident's blood-sugar levels. Ultimately, the resident had a severe reaction to a medication, which nursing home staff should have known was going to occur.

Illinois nursing home investigators declared that Edwardsville Terrace staff had been negligent in failing to provide proper oversight of the resident's illness and developing complications. They should have enacted necessary, systematic check-ups to ensure that the resident received the proper treatment.

Many residents live in nursing homes specifically because the homes are suppose to provide the quick, expert medical care necessary in life and death emergency situations. But all too often, nursing homes fail to provide the care that residents count on. Failure to provide proper emergency care is just one of many forms of [nursing home negligence](#).

Our [Chicago nursing home lawyers](#) at Levin & Perconti have experience fighting for victims of negligent nursing home care. Be sure to contact them or any similar attorney if you know of violations similar to the one at Edwardsville Terrace. The Illinois Department of Health produces quarterly reports on nursing home violators. To access the IDPH report on this violation, please [click the link](#).

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MEDICAL MALPRACTICE

AUGUST 5, 2010

Inadequate Supervision Leads to Medical Errors

The Dallas Morning News reported on a problem in many hospitals that pose a real danger to many patients: lax supervision of new doctors. Many hospitals are considered "teaching hospitals" where residents (doctors-in-training) treat patients under the care of experienced doctors before going out to practice on their own. New research has added more weight to the well-known problem of medical errors caused by these inexperienced medical professionals. In fact, nearly one in four medical residents admitted to treating complications in patients caused by their own errors.

Those complications were not insignificant, with many leading to serious patient harm, including death. Many factors are involved in creating the errors, but inadequate supervision by advising doctors was cited as playing a key role in the [medical mistakes](#). The report indicated that as much as half of complications created by medical residents were caused directly by improper supervision.

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In other words, new doctors are sometimes allowed to use innocent patients as testing bodies while experienced doctors fail to properly ensure the patient's overall safety. This fact is on display most vividly by the reported "July Effect." Each year, there is a 10% increase in patient death from medication errors in the month of the July. The reason is because July is the month when new residents begin their first rotations.

Obviously everyone understands the need for new doctors to learn the ropes over time in order to develop the skills necessary to provide proper medical care. However, no patient gives up their right to proper medical treatment merely because they seek care at one hospital over another. To balance these interests, it is imperative that new residents be closely and critically monitored by experienced supervisors. In that way, new doctors can be trained effectively without sacrificing the care of any patient.

However, research consistently confirms that the balance is not being met. Our [Chicago medical malpractice attorneys](#) at Levin & Perconti have witnessed this problem first-hand. Our lawyers have protected several patients who were harmed in ways that could have been prevented in proper oversight had been provided when new medical residents were making mistakes. Don't allow yourself to become a similar victim. Contact our offices if you suspect inadequate medical treatment. Please [click here](#) to read more about this troubling [medical malpractice](#) situation.

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AUGUST 4, 2010

Radiation Overdose Is Common Medical Mistake

The New York Times recently profiled a growing problem of medical error, [radiation overdoses](#). Radiation treatments are often used at hospitals to test for strokes in a procedure known as a CT brain perfusion scan.

Radiation always contains some risks, but doctors are supposed to protect against exposing patients to harmful levels of radiation that are unnecessary. Recent investigation, however, have uncovered that the true extent of the problem. Many doctors are negligently exposing patients with too much radiation than necessary. A quick investigation discovered, for example, that the well-known and respected Cedars-Sinai hospital had over 269 cases of extra-radiation.

The total number of patients exposed to unnecessary levels of radiation is unclear, but the number continues to rise as more injured patient come forward. Food and Drug Administration officials admit that the total number of patients affected is not known but likely higher than initial estimates suggested.

Even when performed properly, CT scans deliver a dose of radiation to the skull that is 200 times stronger than an x-ray. The problem exists when that already high amount is inflated unnecessarily. Some experts believe that the radiation overdoses were as high as 13 times the amount of a normal CT scan. That is equivalent to a single patient getting 2600 x-rays in a single day.

The Food and Drug Administration is still investigating the overexposures. They have yet to determine a conclusive cause of the rash of increased radiation problems. Possible causes include improper manufacturing of equipment, inadequate training of medical professionals taking the images, and an unnecessary need to get clearer images.

Hair loss is the most common sign of an overdose, but symptoms also include headaches, memory loss, and confusion. The complications could be even more far reaching and include increases in risk of cancer and brain damage. Patients exposed to the unnecessary doses often have trouble identifying the cause of their problems. For many, the symptoms start with a band of hair missing around their head. For others red welts begin to form on parts of the body including the arms, legs, and back.

No patient should be forced to go through the physical, emotional, and mental struggles caused by overexposure to radiation. Our [Chicago medical malpractice lawyers](#) at Levin & Perconti continue to fight for the rights of all patients who suffer at the hand of medical errors that should have been prevented. Be sure to contact a medical malpractice lawyer if you suspect that you or someone you know may have been overexposed to radiation or suffered any other complications caused by medical mistakes. Please [click here](#) to learn more of the dangerous problem of radiation overdose at hospitals.

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AUGUST 3, 2010

Nurses Admit that Hospitals Errors Are Frequent

The *Minneapolis-St. Paul Star Tribune* recently published an article that discusses a shocking new survey of acute care nurses. The survey was published as part of "Pulse Report 2010 – Employee and Nurse Perspective on American Health Care."

The results of the report reveal that even nurses believe that problems and **medical errors** are prevalent at the hospitals where they work. An inner turmoil between employees at many hospitals is rampant, say many nurses. This turmoil ultimately affects the care provided to residents.

The large survey involved more than 230,000 hospital employees. The results indicate that virtually half of nurses are unhappy at their jobs, feeling disempowered and disengaged. These feelings affect patient care for the worse. Because of this, many nurses report that they would not recommend their hospital as a care center.

The survey reveals was general hospital reporting does not: big and small errors occur at hospitals every day. The mistakes include medication errors, missed dressing changes, pressure sores, and allergic reactions, among many others. Most hospital administrators are oblivious or ignore the problem.

As the article mentions, too much attention is paid by high level administrators to "risk management" in an effort to cut financial corners. Instead of doing everything possible to provide the best care possible, hospitals "maximize profits by calculating the financial risk of allowing "little" things to occur, like an excruciatingly painful stage three pressure ulcer (vs. a reportable stage four). It is a system that operates on the backs of nurses' professional ethics, valuing profit over care, seriously challenging every nurse's core value of caring for patients in a safe environment."

Our **Chicago medical malpractice attorneys** at Levin & Perconti remain committed to protecting the rights of those victimized by medical error.

Please contact our offices if you or someone you know suffered at the hands of **inadequate medical care**.

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AUGUST 2, 2010

Patient Awarded \$1.9 million in Medical Malpractice Lawsuit

A Virginia woman will be awarded nearly \$2 million following a jury verdict which found her gynecologist guilty of **medical malpractice** reports the *Winchester Star*.

Thirty nine year old Shannon Taylor had a hysterectomy performed at the Winchester Medical Center operation room by Dr. Katherine Averill. The procedure is supposed to involve the simple removal a woman's uterus. However, Dr. Averill made several mistakes during the operation, lacerating Ms. Taylor's rectum and placing sutures connecting her vagina to her rectum.

Ms. Taylor began to experience rectal bleeding upon returning home from the surgery. When the mistakes were eventually discovered several surgeries and a colonoscopy were needed to fix the problem. But that wasn't all. Ms. Taylor's abdomen had been operated on in half a dozen occasions by the time all of these surgeries had been completed. The repeated abdominal surgeries eventually led to her suffering a hernia, which required even more medical care to correct.

On top of all the medical complications, Ms. Taylor eventually had to leave her job because she required so much medical attention. So often in **medical malpractice** cases like this, the health problems caused by the medical mistakes are only half the story. Personal and professional lives are often destroyed by the errors.

Our **Chicago medical malpractice lawyers** at Levin & Perconti understand the medical errors affect all areas of a victim's life. From medical bills and lost wages to strains on relationships, the consequences of these mistakes are far reaching. Our lawyers are committed to pursuing all avenues to fully compensate the losses caused by these grievous healthcare errors.

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AUGUST 1, 2010

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Twist In Fraudulent Cosmetic Surgery Case

CBS2 News is reporting on the latest developments in a [medical malpractice](#) situation out of California. Last month we reported on this blog about the charges filed against two sisters, Guadalupe and Alejandro Viveros for operating an unlicensed cosmetic clinic.

Many of their clients ultimately informed authorities of problems that they had encountered following the cosmetic surgery performed by the sisters. For many clients the substances injected into them during surgery had hardened into a solid plastic. The hardened material often became infected, leading to serious health consequences for the former patients.

The case took another turn this week as one of the former patients died, purportedly as a result of the complications from the unknown substance injected into her by the sisters at the clinic.

Following the death, the sisters failed to show up to a scheduled court arraignment. It is believed that they may have fled to Mexico. The elder sister, Guadalupe, claimed to be a medical doctor in Mexico, though she was not licensed to practice medicine in the United States.

These and similar stories recount the shocking and all too prevalent forms that medical malpractice may take. While most patients will fortunately be spared the complications caused by medical professionals who are not legally allowed to practice medicine, too many will still become the victims of more nuanced forms of medical error. Our [Chicago medical malpractice lawyers](#) at Levin & Perconti are committed to fighting for the rights of all victims of medical error. If you or anyone you know may have been injured due to mistreatment or negligence by a medical professional be sure to contact a [medical malpractice attorney](#) today.

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MOTOR VEHICLE

AUGUST 5, 2010

Five Injured in Lake Shore Drive Car Accident

Another harmful [car accident](#) occurred on Lake Shore Drive this week, as several women were injured in a late night single car crash.

The *Chicago Sun-Times* reported on the incident. Shortly after 2:30am, the driver lost control of a hard top jeep in which five other women were riding. One of the wheels came off the car, it hit a guard rail, and barrel-rolled at least six times until finally coming to a stop. A 200 foot debris path was left in the wake of the careening vehicle.

All six women were in serious to critical condition when medical professionals arrived at the scene. One of the injured passengers was 6 months pregnant.

Authorities investigating the accident believe that the driver was traveling too fast, with the dangerous speeds contributing to the loss of control. Also, empty beer cans were found strewn around the crash area, presumably coming from inside the vehicle.

Obviously, all drivers are told repeatedly that driving under the influence of alcohol and driving too fast can have deadly consequences. But all too often, those common truths are ignored, causing injury, death, and heartbreak to millions. Our [Chicago car accident attorneys](#) at Levin & Perconti continue to help victims of these tragic events protect their legal rights. We also strive to raise awareness of the far reaching consequences of even a single [car accident](#). This wreck on Lake Shore Drive involved only a single car, but still has the potential to affect six individuals, an unborn child, and the family and friends of all of these young women.

All drivers should remain vigilant of their own speed and alcohol intake when driving a motor vehicle. Not only that, but all drivers should also be aware that other cars on the road may be helmed by careless or impaired drivers.

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AUGUST 5, 2010

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Semi Crashes Through Highway Wall Outside Chicago

This weekend saw a vicious three vehicle crash outside of Chicago, after a semitrailer crashed through a sound barrier wall. The **trucking accident** clogged traffic for hours and sent seven people to the hospital. Considering the size of the vehicle and the dramatic manner in which it careened off the highway, it is fortunate that the number of injuries remained even that low.

Shortly before 10 o'clock in the morning, the driver of the semi came upon slowed traffic on I-80/94. The driver failed to stop in time, causing him to hit the back of an SUV and begin veering toward the right side of the interstate. Another SUV was struck afterwards as the driver lost control. The trucker was unable to handle the vehicle following that initial collision, leading to the trailer continuing to move until plowing into the large sound barrier wall on the right side of the road. A fire started in the truck's engine, but fortunately it was quickly extinguished.

The seven victims obtained a variety of injuries, including serious being facial lacerations. Luckily, a 14 month old child in one of the SUVs was uninjured. The driver had just finished emptying his cargo in the city. If his vehicle has been loaded, the damage would have likely been much worse.

This **trucking accident** is another example of the chain reaction that often occurs when these large machines are out of control. Observers at the scene noticed that oil and physical parts of the semi were strewn 25 feet around the scene, acting as dangerous barriers to other drivers. Any vehicle accident affects cars, drivers, and passengers that are anywhere close to the initial collision.

Police are still investigating the causes of the accident. Slowed zones on interstate have always been some of the most dangerous areas to drive. All too often drivers fail to make the speed adjustment to accommodate for traffic build up. The consequences can be deadly. Our **trucking accident attorneys** at Levin & Perconti encourage all drivers to remain extremely vigilant when on the highway, especially when traffic begins to slow. It is important to keep a close eye both on traffic in front of you and behind you to ensure that emergency steps can be taken to avoid accidents.

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