



Jonathan Rosenfeld's Nursing Homes Abuse Blog

Appeal Involving \$91.5 Nursing Home Negligence Verdict Tests Definition Of 'Healthcare Provider'

By **Jonathan Rosenfeld** on August 24, 2011

It's probably not all that surprising that when a corporation is hit with a massive verdict, they instantly begin to look for ways to reduce or eliminate their payments. Recently, we discussed how a West Virginia jury awarded more than **\$90 million in damages** to the family of a patient whom was neglected at a **Manor Care facility** in the state.

The case centered on the care provided to a patient with dementia during a three-week admission in 2009. The lawsuit alleged--- and the jury apparently agreed--- that the care was so inadequate that it caused her death shortly after discharge.

During the trial, much of the case centered on the lack of basic care provided to the woman in terms of inadequate food and water. Such basic measures were to be provided by nurses' aides at the facility as opposed to physicians and other more credentialed nursing home employees.

The specific title of each employee who provided care will take on more significance as they are scrutinized according to the state's medical malpractice statute. Under the terms of legislation passed in 2003 by the West Virginia legislature, victims of medical malpractice are limited in their non-economic damages (pain and suffering) to

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\$500,000.

While we await some clarification as to the applicability of the medical malpractice statute on this particular case, this certainly highlights the complexities involved in nursing home litigation. As a [nursing home lawyer](#), I am always reminded how important it is to both thoroughly understand and apply all applicable laws in order to provide the most advantageous set up for every client.