
ILLINOIS INJURY LAWYER NEWS BRIEF

July 23, 2010

NURSING HOME ABUSE AND NEGLECT

JULY 18, 2010

Illinois continues to press for license revocation of Southland nursing home

According to a recent *Southtown Star* article, Illinois state health officials announced last week that they are continuing to press ahead with a license revocation of a Southland nursing home based on the nursing home's history of substandard nursing home care, including nursing home abuse and neglect. The nursing home, Evergreen Health Center, which is located on the south side of Chicago, is now reported to be back in compliance with recent nursing home care violations despite allegations of nursing home neglect. A letter last week from the administrator of the Illinois nursing home stated that the nursing home had remedied the nursing home problems cited by the Illinois Department of Public Health. The Illinois nursing home has made changes to avoid the license revocation, including increased continuing education programs, in-house clinical audits, and updated policies and programs. Nevertheless, Illinois health officials stated that the facility has a history of serious nursing home deficiencies.

The Chicago nursing home lawyers at Levin & Perconti are glad that Illinois health officials are treating Evergreen's history of noncompliance seriously. Our Illinois nursing home neglect lawyers have filed a number of nursing home abuse and neglect lawsuits against the Evergreen Health Center nursing home. Nursing home residents have died from repeated failures of staff medical professionals, administrators, and aides. For example, one of our nursing home neglect and wrongful death lawsuits involve a bedridden senior citizen resident who tragically died at Evergreen due to the failure of staff to monitor the resident's developing pressure sores. More information about the Illinois nursing home license revocation is available at *Southtown Star*.

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Posted In: [Nursing Home Abuse](#) , [Wrongful Death](#)

JULY 19, 2010

Illinois Governor Signs Legislation Targeting Elder Financial Abuse

Illinois Governor Pat Quinn signed a bill today which seeks to limit senior financial exploitation across the state. Abusing the finances of elderly residents is often cited as the most common form of senior abuse. Many seniors are especially vulnerable to financial exploitation, because they lack the ability to adequately defend themselves.

The abuse can take many forms and occur at the hands of various individuals. Earlier this month we posted on the financial abuse of an elderly couple by a fraudulent individual who claimed to provide necessary roofing work on their home. Instead of provided any home repair, however, the individual took the several thousand dollar payments from the couple without doing any work.

Also, elderly financial exploitation often occurs at the hands of nursing home staff members. Providing care to these vulnerable residents, nursing home staff members maintain a dominant and potentially abusive role in the lives of nursing home residents. Our Chicago nursing home lawyers at

Levin & Perconti have decades of experience in dealing with all forms of elder abuse, including financial exploitation. Through the years our attorneys have seen many cases of nursing home staff members gaining access to their residents' funds and stealing thousands of dollars from the weak and vulnerable individuals in their care.

The bill signed by the governor today to combat these abuses seeks to train bank employees to recognize the warning signs associated with elder financial exploitation. Those warning signals include sudden changes to an account or the banking practices of seniors, unauthorized ATM withdrawals, sudden changes to a will, and other similar activities.

Last year alone, Illinois had over 6,200 reported cases of senior financial abuse. However, only 3% of those cases were reported by banking representatives. Hopefully this new legislation increases the role of the banks in protecting vulnerable seniors from this prevalent problem. In any case, anyone who suspects an elderly family or friend may be the victim of similar abuse should report it immediately.

To read more about the newly signed legislation, please [Click Here](#).

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JULY 23, 2010

Chicago Nursing Homes Using Scare Tactics to Keep Residents From Leaving

The *Chicago Tribune* reported recently on a new lawsuit filed by nursing home reform advocates against profit-driven nursing home operators. Currently, over 4,500 Illinois residents with mental disabilities live in twenty four specifically designated Institutions for Mental Disease (IMDs) throughout the state. However, in a recent court settlement, the state pledged to allow some of those residents the option of transferring to community-based housing programs if they chose to leave the IMD. Only residents who passed specific screenings to assess their mental health level would be given the option of seeking out other living situations.

The recent nursing home lawsuit filed by the resident advocates claims that the IMDs are sending information to residents about the settlement that is confusing, misleading, and intended to provoke fear. The IMDs are attempting to scare all residents into preserving the status quo, claim the advocates. In that way, the operators of the IMDs are able to ensure that their profit-making nursing homes do not lose any money as residents leave their facility.

For example, Abbot House, an IMD located in Highland Park, sent "information sheets" to its residents claiming that troubling state finances make it unlikely that the state would be able to provide the proper services if residents chose to move to the community-based housing programs. The entire situation was created by a previous consent decree which sought to uphold the basic principle that mentally ill Illinois residents should be forced to live only in the least restrictive housing situation necessary to protect their health and safety. Under the older system, all residents, regardless of their mental condition were forced to abide by the restrictions within the IMDs. The community-based housing options sought to allow the higher functioning residents a more open living choice with assistance provided as needed in subsidized apartment and group-home settings.

The fear-mongering by the Institutions for Mental Disease is another desperate ploy that highlights a pervasive problem at many nursing homes across the state: the prioritizing of money over resident care. Our Chicago nursing home attorneys at Levin & Perconti have experienced many forms of this problem. Whether it is failing to adequately staff a facility in order to spend less on salaries or deciding not to pay the costs necessary to improve substandard facilities, all too often nursing home administrators provide negligent care in order to save money.

No nursing home resident should be given less than they are entitled so that more money may end up in the hands of for-profit businessmen. Be sure to keep a vigilant eye on all activities in the nursing homes nearby and contact experts if you suspect someone has suffered from abusive and negligent nursing home care.

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MEDICAL MALPRACTICE

JULY 20, 2010

Many Doctors Misdiagnose and Mistreat Breast Cancer

The New York Times recently profiled a Michigan woman who endured a partial breast removal, weeks of radiation treatment, continuous drug therapy, and the intense psychological strain of a cancer diagnosis only to discover that she never actually had cancer at all.

Monica Long was a middle-aged registered nurse when a pathologist in her nearby hospital, Dr. Linh Vi, diagnosed her with ductal carcinoma in situ (D.C.I.S.). Like millions of others, Ms. Long received the diagnosis by the pathologist in her community hospital after irregularities discovered in her yearly mammogram. Dr. Linh ran the pathology department at that community hospital and made the diagnosis even though he was not board certified in pathology at the time.

Following a move to Illinois (and after the surgery and years of treatment), Ms. Long continued her cancer treatment with a new physician. However, the new medical care providers soon discovered something unique about Ms. Long situation. After reviewing the pathology report, the new doctors discovered no evidence of D.C.I.S. at all. Ms. Long never had the cancer in the first place. The breast removal, other treatments, and intense fear that go along with a cancer diagnosis had all been unnecessary.

Unfortunately, Ms. Long's ordeal is far from a rare occurrence. Since the use of regular mammograms in the 1980s, the number of D.C.I.S. diagnoses in American woman has skyrocketed over 800%. However, a new study by the Susan G. Komen for the Cure organization discovered that the diagnoses are fraught with error. The study estimates that nearly 90,000 woman have received an erroneous breast cancer diagnosis or treatment plan. Similarly, a pathologist who reviews slides for women who seek second opinions in breast cancer diagnoses has discovered that cases like D.C.I.S. may be misdiagnosed up to 20% of the time.

For many women the error of misdiagnosis of breast cancer is compounded by treatment options that are often much more aggressive than necessary. For example, even though D.C.I.S. is curable in 90% of cases, a full mastectomy (breast removal) is sometimes offered as an option. Among D.C.I.S. patients, the mastectomy rate has nearly tripled since 1998.

Overall, the current situation is one where many women undergo unnecessary and painful procedures due to false diagnosis of breast cancer. The error is then made worse by a tendency to commit to the most aggressive and irreversible treatment options, even though not necessary. These mistakes are harming thousands of women each year, many of whom never fully realize the extent of their doctors' mistakes. Our Chicago medical malpractice lawyers at Levin & Perconti encourage all women to remain vigilant to any concerns about misdiagnosis or improper treatment. As Ms. Long's case demonstrates, even someone trained in the field as a registered nurse is unable to fully understand the risk and error the pervades many medical practices when unprepared medical professionals engage in too much speculation. Please contact our professionals if you even suspect that you may have been one of the thousands who have fallen victim to this vicious trap of medical mistake.

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Posted In: [Misdiagnosis](#)

JULY 22, 2010

Illinois Doctor's Failure to Diagnose Leads to Skin Cancer Death

A trial began this week in southern Illinois involving a long-lasting medical malpractice lawsuit stemming from a doctor's failure to diagnose skin cancer. The *Madison-St. Clair Record* is reporting on the trial which was originally filed in 2003 by Maria Storm and her husband against Dr. Patrick Zimmerman.

Ms. Storm visited Dr. Zimmerman in 2003 to have a lesion removed from her back in 1999. After removing the lesion, Dr. Zimmerman told Ms. Storm that her problem was all resolved and that she had nothing else to worry about. Four years later, however, it became clear that Maria did in fact have something to worry about. A different doctor discovered that Maria actually had skin cancer.

Upon learning of the cancer, Maria and her husband filed suit against Dr. Zimmerman for his failure to diagnose the skin cancer during her earlier visits with the doctor. Unfortunately, Maria endured two years of treatment only to succumb to the skin cancer in 2005, before the trial could officially begin.

Failure to diagnose is a serious issue with many patients. Even slight delays in catching medical problems can be the difference between life and death. Maria's chances of beating her skin cancer would have been much higher if only Dr. Zimmerman had caught it four years earlier. Our Chicago medical malpractice attorneys at Levin & Perconti have fought legal battles exactly like this one. In one case, we won a record \$14 million verdict against a doctor who misread x-rays leading to a failure to diagnose lung cancer. Our lawyers understand that when a patient visits a doctor, they deserve a certain standard of care to be provided, including the diagnoses of potentially life-threatening medical problems. Patients rely on their health care provider's expert medical advice, and they suffer the consequences of those medical mistakes.

Contact an experienced, reliable medical malpractice lawyer if you or someone you know was a similar victim of an expert's failure to diagnose a serious medical problem.

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Posted In: [Failure to Diagnose Cancer](#)

BIRTH INJURY

JULY 18, 2010

Obstetrician Charged with Medical Malpractice in Baby's Death

A Connecticut doctor whose practice recently closed was sanctioned by state officials and sued for medical malpractice for his handling of a 2008 delivery that resulted in the death of the infant, reports the *Norwich Bulletin*.

H. John Bodin was investigated by the Department of Public Health after it was reported he failed to properly monitor the patient in labor, ignoring nurse pleas that the labor was not going as expected. Ultimately, the infant required a Cesarean section birth but suffered a lack of oxygen, resulting in brain hemorrhage and injury. The infant died five weeks after the birth.

The Department of Public Health eventually reached a consent order with the doctor, fining him \$5,000 for the violation and medical negligence in his handling of the infant's delivery.

Following the investigation, the infant's mother filed a wrongful death suit against the doctor for the action. She contends that used an excessive amount of Pitocin in the delivery (a drug to stimulate contractions). The legal complaint also indicates that the doctor failed to recognize signs of fetal distress or to intervene by performing the Cesarean section in a timely manner.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

Our medical malpractice attorneys at Levin & Perconti understand the perilous situation of most patients when they seek medical care. We have won numerous multi-million dollar verdicts and settlements on behalf of patients who received substandard care during their delivery. Any deviation from the proper standard of care requires proper compensation for the losses they suffer.

If you or anyone you know may have been victims of similar negligent medical care, be sure to contact a medical malpractice lawyer to discuss your legal options.

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MOTOR VEHICLE

JULY 18, 2010

Traffic Accident Deaths Declining in Chicago, But Still A Long Way to Go

Recent studies have shown that deaths resulting from car accidents in the Chicagoland area have declined. Over the last decade, certain safety measures, as well as newer vehicles designs, have lead to a decrease of about 200 fatalities a year. Over the course of a three-year span (from 2005 to 2008) traffic accidents in the seven-county region studied decreased over 30% and the overall injury rate decreased 18% in that same time period. There are several factors that the study, conducted by the *Illinois Department of Transportation*, cited as reasons for the reduction of crashes in the Chicagoland area.

One of these factors is an overall improvement in road conditions, making the roads safer for travelers. These safety features include adding additional and clearer lane-striping. They have also added cable median barriers which are designed to stop cars from travelling into oncoming traffic when drivers lose control. Additionally, there is better lighting to make late-night driving safer. *Chicago Breaking News* also contributes a decrease in fatalities to that fact that new vehicles are designed to better withstand crash damage, thereby protecting drivers and passengers in the event of a crash. There are also stricter seat belt laws in Illinois and more roadside checks which often stop drivers who are under the influence of alcohol or drugs. Stopping dangerous motorists before they have a chance to get into a crash is crucial to reducing the number of fatal accidents each year.

While these safety measures have led to a reduction in accidents, there is still much more to be done. There are still around 300,000 accidents in the Chicago area each year and a fatal accident occurs as frequently as once a day. The study cites certain issues that need to be addressed to better improve crash statistics, such as reducing vehicle and pedestrian accidents in downtown Chicago and finding a way to reduce late night driving accidents. In downtown Chicago, about a quarter of the traffic deaths occurred in pedestrian accidents. This number is very high and the problem needs to be addressed to ensure that this number goes down. At this point, no new measures are in place to make pedestrians safer, but this is a problem that the *Illinois Department of Transportation* will tackle to decrease pedestrian accidents in downtown Chicago.

Additionally, the study shows that the number of late-night accidents is significant, accounting for over 35% of all fatal crashes in the area. At night there are more impaired drivers and tired drivers who have slower reaction times. Drivers also travel at faster speeds because there is less traffic at night, and these factors are believed to be the reasons that this statistic is so high. While the hope is that more seat belt laws and road checks will (and as the study shows are) cut down on some of these late-night accidents, more work still needs to be done. Though certain areas are better lit, many areas still need better lighting to help prevent late-night accidents. We are pleased that the *Illinois Department of Transportation* recognizes what needs to be done to help improve the safety of our roads and are confident that the State will continue to look for ways to reduce traffic accidents in the Chicagoland area. To read more about this IDOT traffic accident study, please click the link.

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