

# Jonathan Rosenfeld's Nursing Homes Abuse Blog

Posted on December 8, 2009 by [Jonathan Rosenfeld](#)

## [Now that we score nursing homes, is it time to do the same with hospitals?](#)

I recently received an email from the [National Decubitus Foundation](#) mentioning how only a handful of states currently require hospitals to report the incidence of 'never events' to authorities that occur at their facilities. Consequently, the patient / consumer is left in the dark when it comes to 'good' vs. 'bad' hospitals.

'[Never events](#)' are preventable medical errors that the government (Medicare) has deemed so unnecessary that hospitals can not bill Medicare for medical treatment related to a patients subsequent care.

Here is an excerpt of the email:

### ***Hospitals Resist Reporting Several States Trying to Enforce Disclosure Laws***

*Only a handful of states require reporting of all "never events", including pressure ulcers, but those that do are meeting extreme resistance from the hospital lobby. This issue of The Ugly Secret highlights several stories that have appeared in the past few weeks showing how states are attempting to overcome this defiance.*

*A recent story in the NY Daily News (September 16, 2009) was headlined:*

*"Hospital lobbyists hope to maim patient care reporting bill". The story continues, "High-priced hospital lobbyists are furiously trying to kill a bill that would give New Yorkers a report card on nurse staffing and other key patient-care issues.*

*The bill also requires reporting of other indicators such as bedsores, patient falls and medical errors relating to nurse staffing.*

*"The public has a right to know when they go to a hospital or nursing home what they can expect," said Tina Gerardi, CEO of the New York State Nurses Association.*

*The Healthcare Association of New York and the Greater New York Hospital Association are fighting the legislation.*

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](http://www.nursinghomesabuseblog.com)), Bed Sore FAQ ([www.bedsorefaq.com](http://www.bedsorefaq.com)) or call Jonathan directly at (888) 424-5757.

*Bolstering its large in-house team, HANYS has paid the state's highest-ticket lobbying firm, Wilson Elser Mostkowitz Edelman and Dicker, more than \$102,000 this year to fight for them on this and other issues.*

*The association also has contributed at least \$20,000 to Paterson's campaign, filings show.*

*The Greater New York Hospital Association gave \$115,000 to Patricia Lynch Associates and Bolton St. Johns to lobby for them.*

*The effort follows a Daily News series that found city-run hospitals have been repeatedly cited for not reporting medical mishaps, including fatal errors.*

*'This is simply not the year to impose more new mandates given the multiple and significant state budget cuts over the past year and the fiscal challenges on the horizon,' HANYS said in an opposition memorandum. "*

The current list of 'never events' includes the following (unfortunately) commonly encountered situations:

### **Surgical Events**

- Surgery performed on the wrong body part
- Surgery performed on the wrong patient
- Wrong surgical procedure on a patient
- Retention of a [foreign object in a patient after surgery](#) or other procedure
- Intraoperative or immediately post-operative death in a normal healthy patient
- [Infection of surgical site](#)

### **Medical Device Errors**

- Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the healthcare facility
- Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended
- Patient death or serious disability associated with [intravascular air embolism](#) that occurs while being cared for in a healthcare facility
- Catheter- associated [urinary tract infection](#)

### **Hospital Staff Errors**

- Infant discharged to the wrong person
- Patient death or serious disability associated with patient disappearance for more than four hours
- Patient suicide, or attempted suicide resulting in serious disability, while being cared for in a healthcare facility
- Patient death or serious disability associated with a medication error

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- Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO- incompatible blood or blood products (transfusion of the wrong blood type)
- Maternal death or serious disability associated with labor or delivery on a low-risk pregnancy while being cared for in a healthcare facility
- Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in a healthcare facility
- Death or serious disability (kernicterus) associated with failure to identify and treat jaundice in newborns
- Stage 3 or 4 pressure ulcers acquired after admission to a healthcare facility
- Patient death or serious disability due to spinal manipulative therapy

### **Dangerous Conditions Within The Hospital**

- Patient death or serious disability associated with an electric shock while being cared for in a healthcare facility
- Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances
- Patient death or serious disability associated with a burn incurred from any source while being cared for in a healthcare facility
- Patient death associated with a fall while being cared for in a healthcare facility
- Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a healthcare facility

### **Criminal Acts Within A Hospital**

- Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed healthcare provider
- Abduction of a patient of any age
- Sexual assault on a patient within or on the grounds of a healthcare facility
- Death or significant injury of a patient or staff member resulting from a physical assault (i.e., battery) that occurs within or on the grounds of a healthcare facility

Now that the government has literally spelled out the preventable medical events that hospitals should easily be able to avoid, don't patients deserve to know which medical facilities are doing a good job and which are not? What else is the point of keeping track of this data?

If you believe an injury to death was due to a medical facilities commitment of a 'never event' we may be able to help you. We have successfully prosecuted many of the above situations on behalf of our clients. For a free, confidential consultation give my office a call toll-free (888) 424-5757. Put our experience to work for you!