



Jonathan Rosenfeld's Nursing Homes Abuse Blog

Family Of Neglected Nursing Home Patient Receives \$3.5 Million In Wrongful Death Settlement

Posted by [Jonathan Rosenfeld](#) on January 31, 2011

The family of a 97-year-old Washington nursing home patient has received \$3.5 million under the terms of a settlement related to a wrongful death lawsuit. The lawsuit stems from neglectful care at Everett Rehabilitation and Care Center over the course of several months in 2007 when staff at the facility failed to provide medical treatment to a man-- whose penis literally deteriorated to the point that his genitalia was nothing more than a wound.

According to documents related to an investigation by the Washington Department of Health, the man was originally admitted to the facility in 2004 in order to spend time with his wife who was already a patient at the facility. In November, 2007 a nurse documented a sore on the man's penis and gave the report to a manager at the facility who failed to take any action or provide any further care.

Further documentation of the man's decomposing genitalia are absent until March, 2008 when the man was transferred to a hospital and the physicians notified the facility that the man's penis was completely gone due to

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deteriorating skin and wounds. Two weeks after the man was taken to the hospital he died from complications related to his wounds.

Both in the course of litigation as well as during the review by state inspectors the facility claimed that the man's lack of cooperation with staff to conduct skin assessments was the primary reason why the wounds progressed and went untreated. Despite the claims, state investigators still determined that the nursing home failed to meet the federal standard of care.

Read more about this nursing home lawsuit against Everett Rehabilitation and Care Center and Sunbridge Health Care Corp. [here](#).

Patient Rights v. Duties of Medical Facilities

Though nursing home patients do have a right to refuse care, facilities need evaluate if the patient is indeed competent to be rejecting care in the first place. When nursing homes keep both the patient's family and physician updated as to changes in their physical condition, an assessment can be made as to the patient's competency and if the individual can fully appreciate the decisions they are making.

As a nursing home lawyer, I frequently see facilities documenting patients as being uncooperative or refusing treatment when the staff are unwilling to provide necessary care for a patient who may require more care. As we can see from the above case, a patient's unwillingness to cooperate is not always a valid defense by the facility to skimp out on necessary care.

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