

THE NEW YORK NURSING HOME NEGLECT GUIDE

Protecting Your Loved Ones from Injury

ATTORNEY ROBERT MARANTO



ANDREWS, BERNSTEIN
& MARANTO PLLC
EXPERIENCED PERSONAL INJURY ATTORNEYS



If you trusted a nursing home to care for a loved one, and you suspect neglect or abuse, you are not alone. Nursing home negligence can take many forms, ranging from physical injuries to emotional abuse. Regardless of the form that the nursing home negligence takes, it is illegal. Incidents of nursing home abuse are rarely reported to the proper authorities. Residents typically are reluctant to complain out of fear of retaliation or embarrassment, and family members may be unaware of the common signs of abuse.

KNOW THE SIGNS OF ABUSE

If you notice that your loved one exhibits any of the following signs of abuse, take immediate action:

Physical Injuries

- » Death
- » Broken bones
- » Bed sores & bruises
- » Medication overdose
- » Head injury

Neglect

- » Dehydration
- » Malnourishment
- » Poor hygiene
- » Soiled bedding

Emotional Abuse

- » Agitation
- » Fearful
- » Frequent crying
- » Complaints of poor treatment

Like all evidence, if documentation of nursing home injuries is not collected quickly, these injuries can disappear or fade. Because these injuries affect older people, victims of nursing home abuse may not have the same memory skills that they possessed twenty years earlier, and they may forget about their injuries. Documenting what you have witnessed or what these people have told you can be critically important. Take photographs with your cell phone and use notepads and pens to take notes and record dates and times. A calendar can help because it might refresh the memory of the patient whom you are interviewing. Recording devices such as cell phones and tape recorders can be necessities when recording a patient who alternates between lucidity and senility, as it is important to capture the evidence of the person who has suffered while it can still be collected.

If the nursing home knows that you are documenting what you have witnessed and providing them written notice, its personnel may try to remedy the situation. Because they understand that they are now being closely observed by the family of a patient, they might attempt to hide the evidence of the abuse. Make sure that you have preserved all evidence, including copies of any written communication with the nursing home's staff.

Every claim for nursing home negligence does have a deadline, known as a statute of limitations. This statute requires that any legal action be filed within a certain amount of time after the neglect has been suspected. Therefore, it



is important to review any potential nursing home negligence claim with a qualified attorney as soon as possible to make sure your family's legal rights are protected.

WHAT YOU SHOULD KNOW ABOUT NURSING HOME NEGLECT CASES:

Signs of Nursing Home Neglect

Neglect and abuse can take many forms. It can be as obvious as bruising or less obvious such as bed sores that you must do some investigation because those areas are often the ones that are hidden from you. It can be as sudden as malnutrition and for those residents that can't communicate that well, they are suffering silently because of mental abuse, being yelled at, scruti-



nized, ignored, and oftentimes residents who cannot get into the bathroom; one type of neglect is by having them wet themselves or not being able to change the bedding in a timelier manner.

We have complaints of residents who simply press the buzzer non-stop and not get any response to come and take care of their needs, get them to the bathroom, or to provide clean up. A friend or family member can look for these signs and

notice the quality of the care. Are the sheets clean? Talk to your loved ones about what's been going on. If they can't communicate with you, look for the signs that are unspoken. Check for signs of abuse, check for bruising, check for bed sores, especially if a person has been previously interactive with you and is now despondent.

Oftentimes, communication skills may wane in their older years which means that our investigative skills need to be much more than acute.

Nursing Home Neglect Case Mistakes

With nursing home neglect cases, the most common mistakes are the family's dealing action. They don't want to believe the worst-case scenario even though the evidence is in front of them. Failure to document things as you're experiencing them. If you have a strong gut feeling that something is wrong, often you're right, and it's at that time that you need to start documenting what's happening. Start asking the right questions and have the nursing home make copies of their records so you can preserve them before somebody might go back in and change it. You will then have the security in knowing that you have these records as they are, unchanged, and to preserve whatever information or evidence that you might need to show somebody else when you're telling them what's happening to your loved one.

How Should I Document Nursing Home Injuries?

Like all evidence if it's not collected quickly it can disappear or fade because we are often trying to protect people who are older and may not have same memory skills they had twenty years earlier. Documenting what you've witnessed or what these people have told you can be critically important.

Use your cellphone for photographs, use notepads and pens to take notes, to record dates and times. Oftentimes, a calendar can help because it might refresh the memory of a person you are trying to assess. Recording devices such as cellphones or a tape recorder can be critically important for somebody who is older or who may have some lucid moments and then some senile moments, you want to be able to capture the evidence of the person who has suffered while you can.

If the nursing home knows that you are on top of things, that you've documented what you have already witnessed, they will oftentimes attempt to remedy the situation because they understand that they are now being looked at closely by the family. Make sure that you preserved any of this evidence including copies of any letters or notices.

Schedule Your Free Consultation Today!

If you or a loved one has been seriously injured due to nursing home abuse in Buffalo, or Western New York, it is important to seek legal representation as soon as possible. Contact our personal injury law office for a *free* consultation. Our team of dedicated attorneys will fight to get the compensation that you deserve.

We are available 24 hours a day, 7 days a week.

Never settle for less, find out what your case is worth!

Buffalo Office:

420 Franklin Street

Buffalo, NY 14202

(716) 803-8352



