
SETTLEMENTS

Settlement of \$525,000 and Injunctive Relief Resulting from Death Caused By Pressure Sores

- *Patane v. St. Teresa's Nursing Home, Inc.*, #154/2005, *Supreme Court of Orange County, New York* (May 2, 2006)

As reported by Plaintiff's Counsel, Robert Hyman of Pleasantville, New York.

Amount of Settlement

\$525,000 plus defendant enacted and has put into effect new policies and procedures to ensure better care with existing and future residents and better communication with families of residents.

Facts and Allegations

Mrs. Patane, 87 years old, with a history of mild dementia, congestive heart failure, depression and hypothyroidism was admitted to defendant's nursing home on October 7, 2002, from Carlucci's Adult Home, where she had been residing. She was in need of increasing assistance for her ADL's, but Ms. Patane was admitted in good nutritional condition and with totally intact skin.

In the short period from October 7, 2002 until December 30, 2002, Ms. Patane deteriorated rapidly. She was discharged to a hospital with malnutrition, dehydration, stage IV infected and necrotic pressure ulcers on the sacrum, left heel, and right upper thigh, sepsis, a draining fistula of the colon and bowel, into the sacral ulcer. She died on January 11, 2003. The death certificate confirmed sepsis secondary to decubitus ulcers.

Assessment and care planning allegedly were poor. One issue was that the resident spoke Italian but no one on the staff did. Nothing was done to address the resident's poor appetite, and part of this problem was the inability to communicate with the resident. As part of the settlement the policies and procedures of the facility were revamped and now will include the requirement that staff secure inter-

preting services to promote communication with the residents, when staff do not speak the same language as the resident.

Defendant allegedly never told the family that the ulcers had developed, nor that they had become infected. As part of the settlement, the facility revised its policies and now requires staff to inform the family when there is any significant change in condition or when an ulcer develops.

Defense counsel was O'Connor, McGuinness, Conte, Doyle & Oleson of White Plains, New York. Defendant's Liability Insurance Company was Medical Liability Mutual Insurance Company of Latham, New York.