

# VIRGINIA LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Pressure ulcer turned fatal during nursing home stay

#### Confidential Settlement

Plaintiff's decedent, a 92-year-old female, was placed at a nursing home for one-week respite care while her daughter, who provided home care, went on a one week vacation. Decedent was diagnosed with advance dementia, hypertension (high blood pressure), peripheral arterial disease, non-insulin dependent diabetes, vitamin D deficiency, degenerative joint disease (arthritis) and a history of gastritis and in need of assistance for all activities of daily living.

Daughter investigated the nursing home, which was highly recommended by a friend whose parent had been in the facility. The daughter met with nursing home staff who assured her that their facility could provide the care that her mother needed. Decedent was admitted to the nursing home on Sept. 4, 2009. Her skin was assessed as "intact" but she had a small red area on her coccyx and staff noted it as a stage one pressure ulcer.

Staff completed the Braden Scale Assessment on the



ZYDRON



DAUGHTRY



SWAIN

decedent, which resulted in a 12 (high risk for pressure ulcers). Staff assured the daughter that they were competent to treat pressure ulcers and not to worry. Daughter went on her vacation and upon return she went to the facility on Sept. 14, 2009 and was advised that the pressure ulcer had enlarged to a stage II pressure ulcer. By Sept. 29, the pressure ulcer was assessed as a stage IV pressure ulcer and became infected on Oct. 6.

Decedent died on Oct. 10, 2009, and the "immediate cause of death" as diagnosed by her treating physician was "infected sacral pressure ulcer." She was survived by six daughters and sons.

Plaintiff's experts opined that the nursing home's staff failed properly and timely to assess the pressure ulcer and put into place interventions to cure the ulcer.

[13-T-011]

**Type of case:** Medical malpractice – nursing home

**Injuries alleged:** Wrongful death

**Resolved before:** Mediation

**Date:** Jan. 7, 2013

**Mediator:** Thomas S. Shadrack

**Special damages:** \$5,704 - funeral expenses

**Verdict or settlement:** Settlement

**Amount:** Confidential

**Attorneys for plaintiff:** John E. Zydron and Christopher L. Daughtry, Virginia Beach; Stephen C. Swain, Virginia Beach