

Call Light Not Answered, Patient Falls, Dies: Nursing Facility Found Liable To Patient's Family.

The eighty-seven year-old patient was placed in the facility for recovery from spinal surgery.

The family had researched the issues carefully while trying to find a suitable placement. A representative of this facility and a hospital discharge planner both assured them this facility had exceptional call-light response times, usually within two to three minutes.

The patient, already set for discharge later that day, called for help to the restroom. No one responded. She could not wait so she got up on her own. She fell and twisted her ankle.

X-rays were taken which staff interpreted as negative. The patient was discharged as planned. Two days later her physician found two fractures on the x-rays and scheduled surgery.

Two- to three-minute call-light response times were among the promises made in the brochure given to the family by the nursing facility's admissions counselor. In fact, the facility had been cited numerous times by the state department of public health for negligent fall-prevention practices and for delayed call-light responses leading to injury accidents.

DISTRICT COURT, LARIMER COUNTY
COLORADO
September 15, 2008

The patient never recovered from the surgery.

The family's lawsuit alleged negligence for failing to respond to her call light promptly.

The lawsuit went on to allege violation of the state's consumer protection act and breach of contract based on alleged misrepresentations made before admission as to the high quality of care.

The jury in the District Court, Larimer County, Colorado awarded the family \$375,000. The verdict was reduced to \$300,000 because of Colorado's cap on non-economic damages and then further reduced to \$225,000 based on contributory negligence by the patient herself. Wolfe v. Canyon Sudar Partners, 2008 WL 5568178 (Dist. Ct. Larimer Co., Colorado, September 15, 2008).