

Decubitus Ulcers: Repositioning Was Documented, Jury Sides With The Nursing Home.

The ventilator-dependent woman in her seventies was a patient in a subacute facility specializing in the care of ventilator patients.

During her stay she developed pressure sores that progressed to Stage II and eventually Stage IV decubitus ulcers which necessitated surgical debridement.

After she passed away the personal representative of her estate sued the facility for negligence.

The jury in the Court of Common Pleas, Bucks County, Pennsylvania found no negligence and awarded no damages.

The family's lawyer argued unsuccessfully to the jury that the extensive documentation in the chart of frequent repositioning of the patient was inconsistent with the development of pressure sores and progression of the lesions to decubitus ulcers.

COURT OF COMMON PLEAS
BUCKS COUNTY, PENNSYLVANIA
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The jury accepted at face value the nursing documentation in the chart showing frequent repositioning of the patient and believed the facility's expert's testimony that some patients can experience significant breakdown in skin integrity even with the best possible nursing care.

That is, the facility argued in its defense that any patient's skin care is problematic when the patient is in a persistent vegetative state and on a ventilator.

The facility also argued that a patient in a persistent vegetative state does not feel pain and that damages should not be awarded to the family for his pain and suffering. Estate of Lambert v. Fox Subacute Center, 2009 WL 3278737 (Ct. Comm. Pl. Bucks Co., Pennsylvania, July 16, 2009).