

Skin Care: Two Sets Of Medical Records, Jury Awards Damages.

The sixty year-old patient was admitted to the nursing home from the hospital with congestive pulmonary failure, pulmonary edema, diabetes and nephritic syndrome.

Due to immobility and generally poor health she was at increased risk for breakdown of skin integrity. When she came to the facility she already had a Stage II sacral bedsore that apparently had started in the hospital.

After a month in the nursing home she had to be transferred back to the hospital with a Stage IV lesion which healed after treatment in the hospital.

The patient's lawyers had two copies of the chart, one obtained before the lawsuit was filed and another obtained during the lawsuit.

The second chart, but not the first, seemed to show that the patient actually was being repositioned every two hours.

DISTRICT COURT
QUEENS COUNTY, NEW YORK
August 26, 2010

The jury in the District Court, Queens County, New York awarded the patient \$305,000 from the nursing home and nothing from the hospital.

The nursing home should not have accepted a difficult patient with a Stage II sacral lesion if the facility was not able to meet her needs.

Nursing care flow sheets in the chart were apparently rewritten retroactively after the lawsuit was in progress to show that q 2 hour repositioning was being done. The patient's lawyers were allowed to show both sets of records to the jury and invite the jury to come to the conclusion that proper care was not being performed. Questelles v. Highland Care Center, 2010 WL 5760852 (Dist. Ct. Queens Co, New York, August 26, 2010).