

Understaffing: Help To Bathroom Not Adequate On Night Shift, Patient Falls, Has Head Injury.

After hospitalization for pneumonia an elderly woman was admitted to a rehab facility for physical and occupational therapy and assistance with her ADL's.

She had been living with her son and the plan was for her to return home with him when she was ready.

Four days into her stay she fell during the early a.m. hours while trying to make it unassisted to the bathroom.

She sustained several subdural hematomas which rendered this once basically independent person now wheelchair-bound and dependent on others for 24/7 care.

The jury awarded her more than \$2.2 million from the director of nursing, the administrator and the owner of the facility. The Court of Appeals of California upheld the jury's verdict.

The jury heard expert testimony that the patient's fall was caused by the facility's practice of deliberately understaffing the night shift.

Although two aides were needed on the wing where this patient was housed, only one was employed.

This practice of deliberate understaffing prevented the patient's need for safety being met when she had to use the toilet, despite her known risk of falling.

COURT OF APPEALS OF CALIFORNIA
February 28, 2011

In court the jury trial lasted more than six weeks. The case delved into every aspect of the patient's care including fall-risk assessment, care planning, medication management, use and non-use of restraints, diet, charting, bed height and the call button.

In the end, however, the jury's decision reportedly turned on the simple fact the facility deliberately only put one person on the night shift, resulting in no one being available to help her to the bathroom when she needed to go.

The facility's caregiving staff was fully aware of her fall risk, yet failed to provide sufficient staff to meet her safety needs.

The Court did reduce the jury's verdict to \$1.27 million pursuant to California's damage-cap statute. ***Saucedo v. Cliff View Terrace, 2011 WL 680212 (Cal. App., February 28, 2011).***