

## Do I Need A Lawyer For Nursing Home Negligence In Georgia?

Every day, dozens of families throughout Georgia make the difficult decision to place an aging or ailing loved one in a nursing home. Unfortunately, for some of those families, the decision ends in heartbreak and pain as the resident becomes a victim of abuse or neglect. These cases can be exceptionally difficult for every family member involved, both because of the emotional impact of the injuries suffered and because of the legal complexities that can follow.

Families whose loved ones have been harmed while in long-term care need to be aware of their options, which may include taking legal action against the nursing home. An experienced [nursing home abuse](#) attorney can make a significant difference by helping to find out what happened, recovering compensation for the family and holding the negligent facility responsible for its actions or inaction that led to the injury.

### Understanding nursing home abuse

Unfortunately, abuse and neglect are fairly widespread problems in nursing homes in Georgia and throughout the nation. The [Centers for Disease Control and Prevention](#) recognize six types of elder abuse and neglect, including:

- **Physical abuse:** This is the intentional use of physical force against a nursing home resident, causing illness, pain or injury. Examples of physical abuse include hitting, pushing, kicking, slapping and burning.
- **Neglect:** Any failure by a responsible caregiver to meet a resident's needs is a form of neglect. Some common examples of neglect include:
  - *Basic needs neglect:* Failure to provide adequate food and drink, clothing, shelter and other basic human needs.
  - *Personal hygiene neglect:* Failure to make sure the resident is able to maintain good personal hygiene and assist as needed.
  - *Emotional or social neglect:* Not providing the resident with adequate opportunities to build social relationships with caregivers or peers, or not providing adequate emotional support.
  - *Medical neglect:* Not properly administering medications and treatment for known medical issues, failing to follow the resident's treatment plan and update it as needed, or failing to respond in a timely and appropriate manner to new medical issues as they emerge.
  - *Negligent supervision:* Failure to adequately supervise a resident who is at risk of injury or unsafe behavior.
- **Emotional or Psychological abuse:** These categories include both verbal and nonverbal actions that cause the resident to feel afraid, distressed or mentally anguished. Emotional or psychological abuse may involve overt acts such as shouting, name calling, humiliation and destruction of a resident's personal property. They can also include isolating the resident by, for example, unreasonably restricting visitation.

- **Financial exploitation:** This type of abuse involves improperly using a resident's money, property or assets for the financial gain of someone other than the resident. Examples of financial exploitation include:
  - *Double-billing for services*, billing for services not actually rendered, and other acts of fraud.
  - *Stealing money or assets* without proper authority or permission to have access to them.
  - *Identity theft*.
  - *Unauthorized use* of a resident's credit cards, property or benefits.
  - *Making changes to a resident's will or trust* without appropriate authorization.
- **Sexual abuse:** One of the most severe types of abuse, sexual abuse includes any type of non-consensual sexual interaction with a resident, ranging from sexual harassment to unwanted sexual contact or penetration. Note that in nursing homes, caregivers are in a position of power over the residents which compromises a resident's ability to consent, and many residents are mentally impaired, which can further impede their ability to consent to sexual contact.

Acts of abuse can be committed by nursing home employees, visitors, or other residents in the nursing home. As such, a nursing home is not only responsible for its staff, but also for providing adequate security on the premises to protect its residents from any potential dangers.

### **Understaffing is the key contributing factor to nursing home abuse in Georgia**

In a [2014 report](#) prepared by Families for Better Care, Georgia ranked #43 in the nation and last among Southeastern states in terms of overall nursing home quality. The major issue in Georgia nursing homes was a lack of direct care staff; Georgia ranked last in direct care staffing above average and 48<sup>th</sup> in the nation in terms of hours of direct care staffing per resident. Georgia also ranked near the bottom in terms of professional nurse staffing.

Understaffing can contribute to abuse and neglect in several key ways, including:

- **Negligent hiring:** Facilities that are understaffed are likely to compromise on their hiring standards in order to alleviate staffing shortages. They may hire inexperienced and underqualified staff, or even fail to conduct background checks and hire potentially dangerous caregivers. A related issue is *negligent retention*; a facility that is already short staffed may be reluctant to dismiss employees, even after they demonstrate safety concerns.
- **Poor training and supervision:** In a facility where limited staff need to be stretched out as much as possible, there is often little time available to train or supervise those staff. Inadequate training can contribute to neglect of residents, and a lack of supervision of staff can allow serious issues such as physical and even sexual abuse to fester.

- **Negligent resident supervision and premises security:** An understaffed nursing home may not be able to adequately supervise its residents or secure its premises purely because there are not enough staff present to do so. That puts residents at risk of emotional, physical and sexual abuse.
- **Exhaustion and overwork:** In understaffed facilities, staff may be routinely asked to work extra shifts or to come in early and/or stay late. This can cause staff to become exhausted, which leads to a higher prevalence of dangerous errors such as administering the wrong dosage of medication, or giving it to the wrong patient. Overworked and exhausted staff may also become angry and stressed, which may be a contributing factor to acts of emotional abuse (such as yelling at residents) or even physical or sexual abuse. Finally, overwork contributes to staff burnout and high rates of turnover, which can further exacerbate issues with hiring and training.
- **Poor maintenance and cleanliness:** Inadequately staffed nursing homes may not be able to properly clean and maintain their premises. This can lead to safety issues such as trip hazards going unaddressed. A dirty environment can also contribute to health issues such as infection and spread of illness.

In too many cases, patterns of understaffing create a vicious cycle, in which poorly funded and negligently managed nursing homes persist in an environment that is a breeding ground for abuse and neglect. Through no fault of their own, vulnerable residents end up sustaining serious and even fatal injuries due to these acts.

### **Key warning signs of abuse or neglect**

One reason why nursing home negligence can be so dangerous is the fact that residents are often unable to remember, understand or articulate what is happening. They may know that something is wrong but have difficulty comprehending or communicating the source of the problem. That is why friends and family members of the victim play an important role in addressing patterns of abuse or neglect.

Some key [warning signs](#) of nursing home negligence include:

- **Emotional and physical changes:** Loved ones should watch out for any significant changes in the resident's physical or mental state. Victims of abuse may have unexplained bruises, particularly in areas like the back, hips and thighs that are not easily visible. Or they may become agitated, withdrawn or fearful. Note, however, that some of these changes can prove to be a result of underlying medical issues, not poor care.
- **Chaotic staffing:** While some degree of staff turnover is a reality at nursing homes, particularly high rates of turnover can be a significant red flag. Likewise, if the staff appear to be overworked, stressed or constantly rushing around, or if they fail to answer the phone or respond to call lights, the environment may be unsafe.

- **Lack of supervisory presence:** The best nursing homes have directors and senior supervisors who are involved and known to the residents. Conversely, if the nursing home's leaders are distant, unknown figures, problems may be allowed to fester.
- **Failure to answer or respond to concerns:** Consistently evasive answers from staff are a significant red flag. Caregivers should take every concern seriously and promise to follow up – and then follow through on those promises. If the nursing home staff refuse to discuss concerns or constantly deflect questions, there may be something to hide.
- **Unexplained or unreasonable restrictions on visitation:** While there are some legitimate reasons why a nursing home may need to restrict visits, not being allowed to see a loved one is a significant red flag. Restricting visitation is not only potentially a form of emotional abuse in itself, but also a sign that there may be something else the nursing home is trying to hide.
- **Financial changes:** Loved ones should keep an eye on their loved one's assets, accounts and estate planning documents. Unexplained withdrawals from bank accounts or unexpected changes to a resident's will or trust could be a sign of financial exploitation.

Friends and relatives of nursing home residents need to keep their eyes open for these warning signs and follow up if they have concerns. Retaining an attorney with experience handling nursing home negligence cases can help to expose the facts of what happened, as the attorney can launch an independent investigation and take legal action if needed. Moreover, an attorney can pursue financial compensation for the nursing home as a result of its negligence acts, and taking such legal action also often results in changes to procedures in the nursing home itself to prevent future acts of abuse.

### **For more information**

Contact [The Law Office of George S. Johnson, LLC](#), a Georgia law firm specializing in nursing home abuse and neglect cases. Attorney George S. Johnson, who has more than 17 years' experience in civil litigation, focuses his practice on representing victims and families of victims of negligence in nursing homes, assisted living facilities and medical facilities. The firm is located in Decatur, GA and handles cases statewide.