

# Who is Liable for Nursing Home Injury or Abuse?

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Nursing home injuries have become a problem in the healthcare sector. Statistics show that nearly 4 million seniors experience a form of physical or psychological harm or abuse annually. Moreover, every year at least 5,000 people die due to injuries and negligence in nursing homes. However, it is not easy to determine who is legally responsible.

If your loved one has been a victim of a nursing home injury, our California law firm will work to hold the person or party accountable for the abuse and work to get the proper compensation. *Call us today for a free case review 1-800-208-3538.*

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## Nursing Home Injuries

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These are physical or psychological injuries that a person receives at the nursing center. They can result from negligence or abuse.

Common nursing home injuries include:

- **Fall and fractures:** Certain causes include: slippery floors, debris on the hallway, and other acts of negligence on the part of the caregiver.
- **Head injury:** it is the leading cause of concussions among the elderly. Signs include reduced consciousness levels, difficulty in speech, confusion, coma, and death.
- **Spinal injury:** Results from the patient falling or being dropped can result in spinal cord injury.
- **Broken bones:** The affected bones among the aged are wrists, hip bone, and the

spine.

- **Infections:** Poor hygiene and bedsores are the leading causes.

## Nursing Home Abuse

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It includes the intentional infliction of harm on the resident by the caregiver that cause pain, physical or mental injury, or disability.

Nursing home abuses fall into three main categories.

- **Emotional and mental abuse:** It includes actions such as belittling, yelling, threatening, or embarrassments. It is the most devastating form of abuse as it is not easy to detect as perpetrators always keep the victims away from family and friends. Silent emotional abuse can also include the neglect of the needs and wants of the resident.
- **Physical abuse:** It includes battery and assaults. Evidence of physical abuse includes broken bones, bruises, and bed sores.
- **Sexual abuse:** It involves engaging in sexual activities with the patient without their consent. Besides physical injury, sexual abuse can cause long-term devastating effects.

## Who is Responsible for Nursing Home Injuries and Abuse?

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### 1. The Nursing Home

The nursing home bears a critical duty of care because of the services it offers to its residents. Such care includes medical care, shelter, food, and hygiene. The facility also assists the residents with physical activities and therapy. As a result, there are several circumstances under which the resident might be injured. However, neglect is the primary cause for holding it responsible for the resident's injury or abuse.

### Nursing Home Neglect

It is legally defined as negligence by facility due to its indifference to the patient's well-being and health.

The nursing home can be held legally responsible for injuries and abuse in the following instances:

- Understaffing: It is the primary cause of staff negligence in nursing facilities.
- Failure by the facility to train its staff members properly and regularly.
- Failure to conduct a thorough background check on their staff members.
- Failure to monitor, regulate, and control the actions and performance of its staff.
- Ignoring the complaints of residents, their families, and friends of suspected abuse

and neglect.

- Not providing adequate security to guard the premise, residents, and staff.
- Medical neglect: it is the failure of the facilities to provide the necessary medical care in spite of their knowledge of its need.
- Unnecessary regulations and restraints that lead to intentional harming of the residents by the facility's staff.
- Failure to provide necessities such as water, food, clothing, and shelter.
- Deliberate purchase of low-quality equipment and machine.

If there is evidence that an injury or abuse resulted from neglect on the part of the nursing home, then it is legally responsible for the resulting damages.

## 2. Third Party

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It is not true that the nursing home is always legally responsible for the injuries and abuses that result within its premises. For instance, when a resident suffers a bone fracture, the most logical assumption is that it resulted from negligence or intentions of a staff member. However, in reality, this can result from several causes including malfunctioned equipment such as wheelchair, bed, or gurney.

Other parties that can be responsible for nursing home injuries and abuse include:

- The nursing home staff that uses a machine without following proper safety guideline or operator's guide.
- A manufacturer who produces malfunctioned equipment or wheelchair.
- A contractor who fails to maintain the equipment properly.
- In case of a security breach that leads to injury of residents, the security personnel or firm might be found accountable for the negligence of duty.
- A family member or relative who intentionally provides misleading information on the medical condition of the elderly.
- A family member who intentionally causes silent emotional and mental torture by neglecting the needs of the resident.

## Suspect Injury or Neglect?

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If you suspect serious or life-threatening abuse, call 911 or the local police for immediate help.

***To find county telephone numbers in California for reporting suspected elder mistreatment occurring in the home***, visit the [Adult Protective Services County Agencies listing \(PDF\)](#).

**Additional Resources:**

## Contact Johnson Attorneys Group for a Free Nursing Home Abuse Case Review

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An experienced personal injury lawyer will help you identify the person liable for the abuse or injury as well as the right agency to contact. At Johnson Attorney's Group, we don't charge any legal fees unless we win or successfully settle your case. If you or your family member faces such nursing home injury in California, do not hesitate to call us at 1.800.208.3538.