

Nursing Home Lawsuit

Nursing home abuse is becoming a global epidemic. [This record](#) from Government Statistics estimates that 1 in 3 nursing home residents experience some form of abuse or neglect. Nursing home abuse is not always violent or physical. There are also other forms of elder abuse that happen without a resident knowing. For instance, financial abuse.



While elder abuse in assisted living facilities is a growing problem, authorities have acknowledged these problems and have enacted laws to punish perpetrators of abuse heavily. This way, family members and other private parties can file a nursing home neglect lawsuit on abuse or neglect of elderly residents in nursing care facilities.

To help you understand the topic, we will examine the following:

- [What Is Nursing Home Lawsuit](#)
- [Types Of Nursing Home Lawsuits](#)
- [What Are Nursing Home Lawsuit Settlements?](#)
- [Nursing Home Wrongful Death Settlements](#)
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- [How Long Does It Take To Settle A Nursing Home Lawsuit?](#)
- [Why File A Nursing Home Abuse Lawsuit?](#)
- [Nursing Home Abuse Lawsuit Process](#)

Let's get started.

What is Nursing Home Lawsuit?

A nursing home abuse lawsuit is the legal action taken after a nursing home resident has suffered abuse and neglect.

A nursing home resident deserves proper care and attention. But too often, these older adults suffer different forms of abuse or neglect from people responsible for their care.

Filing a nursing home neglect lawsuit is one-way families of older adults can get justice and financial compensation to cover the medical expenses and damages from nursing home abuse.

What Is The Most Common Abuse In Nursing?



Psychological abuse is the most common type of abuse in nursing facilities. According to the [World Health Organization](#), Psychological abuse is the highest most reported abuse in a nursing facility, both by staff members and nursing home patients.

Psychological abuse or emotional abuse could come in different forms. Say isolating a nursing home patient from a family member and (or) friend, insulting a patient's intelligence, etc.

On many occasions, residents who suffer from psychological abuse tend to develop long-term mental health issues like anxiety, depression, and other mental health issues.

You can use the service of an [experienced lawyer](#) to seek legal action if you suspect your loved one is suffering emotional abuse.

Next, we will examine the different types of nursing home lawsuits.

Types of Nursing Home Lawsuits



Here are 3 common types of nursing home lawsuits you can file.

1. Breach of contract cases
2. Torts
3. Wrongful death lawsuits

Breach Of Contract Lawsuits

Breach of the contract describes the nursing home facility's failure to perform nursing care according to the terms of the contract with the families of residents.

A breach of contract lawsuit could offer you and your loved one financial compensation for medical expenses and other expenses you must have paid to the assisted living facility.

You can file a Breach of contract lawsuit for issues such as this:

- If the nursing home failed to provide the services stated in the agreement
- If the nursing home did not provide general nursing care as promised in the contract
- If the nursing home did not provide a clean and safe environment for loved ones as outlined in the contract.

Torts Nursing Abuse Lawsuits



Torts are the most common type of nursing home lawsuit. A tort is an act that hurts a nursing home resident. Elderly residents can file a tort lawsuit against those responsible for the harm. This could be the assisted living facility, the caregivers, and (or) the nursing home staff.

Below are the various types of nursing home tort lawsuits:

- **Abuse.** This includes intentional harmful acts such as torture, hitting, or sexually abusing a resident.
- **Medical malpractice.** This is when a medical professional provides a medical treatment that is not up to par. The staff that provided such service can be sued for medical malpractice.

- **Neglect.** Nursing home neglect describes the repeated failure of caregivers to act, which over time results in hurting the residents. You can sue a nursing home for negligence if they are not providing proper medical care, food, water, not caring for incontinent residents, and so on. Neglect could cause burns, pressure sores, bruises, etc.

Wrongful Death Nursing Home Abuse Lawsuits

You could file a wrongful death lawsuit if your loved one died due to nursing home neglect or abuse. In the case of a wrongful death lawsuit, you can sue the nursing home facility, the nursing staff members, and the individual caregiver. With the help of a nursing home abuse lawyer, you can file a wrongful death lawsuit if:

- Loved one died as a result of abuse or neglect
- The elderly resident had filed a lawsuit for abuse or neglect but died from the injuries before it could be resolved
- Family members filed a lawsuit for wrongful death

Although wrongful death statutes vary from state to state. You can contact an experienced attorney to weigh your options. However, on a general rule, a wrongful death suit is brought by the deceased family members or close relatives.

Consult with our professional [nursing home lawyers](#) today and we will give you a free legal case review.

What Is The Most Common Cause Of Death In Nursing Homes?

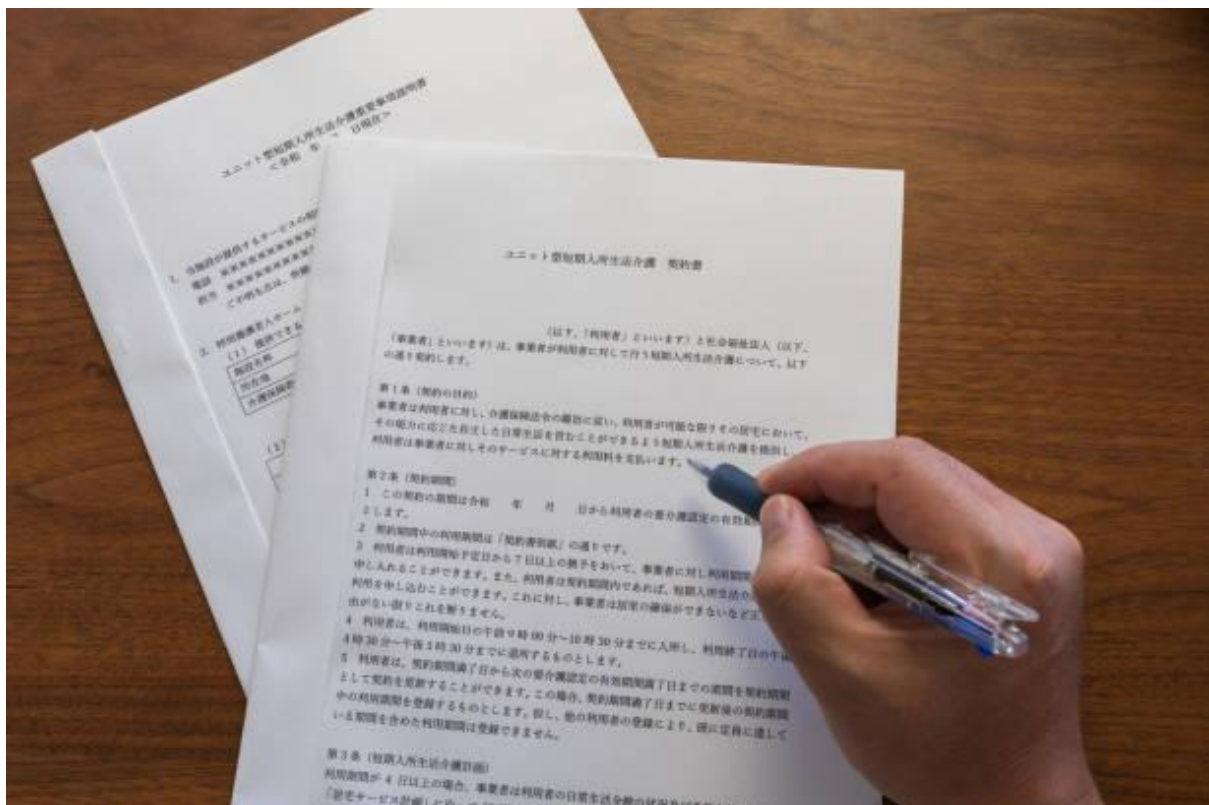


[One study](#) singled out Alzheimer's disease to be the common cause of death in assisted living facilities with most patients dying on hospice care. It is often difficult to determine the true cause of death in nursing home residents since few tests are performed before they die and autopsies are hardly carried out.

Other than natural causes, some nursing home deaths result from falls, infections, and medication errors. And others as a result of serious injuries such as pressure sores, cuts, severe pain, or any serious injury that will lead to a medical emergency.

Should you need any legal help seeking a legal claim to a nursing home neglect or abuse? Book a [free consultation with us](#), and we will give you a free legal case review.

What Are Nursing Home Lawsuit Settlements?



Nursing home lawsuit settlements are compensations care facilities pay victims of nursing home abuse or neglect. Nursing home settlements occur between the plaintiffs (victims of abuse or neglect and their close relatives) against the defendants (typically the nursing facility, staff, and/or administrators).

Nursing Home Wrongful Death Settlements

Filing a wrongful death lawsuit against the care facility may not end the pain of losing a loved one. But the compensation can help families recover their expenses and cover funeral costs. And overall, bring a sense of justice to residents' family.

A good number of nursing lawsuits settle out of court. And an average nursing home wrongful death settlements go from \$406,000. And the [largest nursing home settlement](#) for wrongful death is \$160 Million.

Wrongful Death Settlement Case Examples

\$54 Million Verdict For Wrongful Death, New Mexico

In New Mexico, a family received a \$54 million settlement after a 78-year-old resident died from a heart attack in a nursing facility. The nursing home staff knew the patient had suffered internal bleeding before the heart attack but ignored her condition. This resulted in the patient having a heart attack that led to her death.

\$65 Million For Wrongful Death, Texas

The family of a 98-year-old woman who died days after being raped sued a nursing home and its medical director. The court in Texas awarded \$65 Million in compensation to the family of a 98-year-old woman who was raped by a mentally ill male patient. Evidence showed that she died 11 days after the attack.

Nursing Home Negligence Lawsuit Settlements



Compensation for nursing home neglect could cover medical costs, nursing home costs, and other expenses. However, the average nursing home negligence settlement amount is about \$406,000. Below are some examples of Nursing home negligence lawsuit settlements.

Nursing Home Neglect Settlement Cases Example

Here are a few nursing home negligence cases that are worth considering.

\$740,000 Vermont Sexual Abuse Settlement

In February 2022, Vermont's attorney general awarded \$740,000 as compensation for the abuse and neglect of a nursing home resident.

\$6.75 Million Pennsylvania Sexual Abuse Settlement

An 86-year-old woman secured a total of \$6.75 Million after being sexually abused by another nursing home resident.

How Long Does It Take To Settle A Nursing Home Lawsuit?



Following up on a nursing home abuse case can cause distress and may require much time to resolve. Generally, it takes [18 months to 2 years](#) to settle in court. Therefore, if you want to sue a nursing home for negligence, you should anticipate lengthy, expensive, and emotionally draining proceedings.

Here are some reasons why nursing home lawsuits take a long to settle.

Finding An Expert

This is one of the first steps in the litigation process before filing the lawsuit. The team of personal injury lawyers in charge will have to hire an expert to evaluate the data collated. But finding an expert that fits a particular case may take a long time.

In the end, the expert, usually a medical doctor, will review the information and provide professional medical advice on the matter. This will determine if the damage or abuse was due to medical neglect. This process of report writing again may take a longer time depending on the complexity of the case or the expert's schedule.

The Discovery Process

The discovery process is another time-consuming aspect of nursing home lawsuits. And this stage is different for every nursing home abuse case. Here, the

personal injury lawyers in charge will collect and analyze medical records from the facility, find expert witnesses, and so on.

And sometimes, nursing home facilities have a complicated structure. Thus, can delay an attorney's access to medical records. This [sluggish discovery process](#) spans between 6 to 12 months or even longer. Again, this depends on the [complexity of the case](#) and how quickly both parties respond to the request.

Taking a Nursing Home Case To Trial

Often, the court will require the parties to mediate the dispute. Which in many cases are always effective. But when mediation is unsuccessful, the attorney can file for a dispositive motion which can last for months.

The thing is, the case may be resolved faster if parties accept a settlement offer out of court. But if that didn't work, it will only lead to a lengthy trial.

Death As A Result Of Nursing Home Abuse

Personal injury cases are special lawsuit cases. Even worse, is when it is a case of wrongful death. It can invoke special issues that will require a lot of time to resolve as other parties may need to be added to the case. And this can take weeks to be executed.

For how long it takes to settle a nursing home lawsuit, a typical nursing home neglect case can take 6 months, a year, 2 years, or more. But hiring an experienced nursing home abuse lawyer can help determine how long your lawsuit may last.

Why Should You File A Nursing Home Abuse Lawsuit?

There are many reasons why you should file a nursing home lawsuit. Filing a nursing home abuse lawsuit is one of the effective ways of getting justice for your loved ones suffering any form of abuse or neglect in a nursing home. Here are some reasons why you should consider filing a nursing home abuse lawsuit.

Compensation For Abuse Loved One Suffered



Filing a Nursing home neglect lawsuit can lead to you receiving a financial settlement for the abuse your loved one suffered. This could be either through an out-of-court settlement or court verdict.

Depending on the severity of the damage or injury, nursing home abuse settlement varies from \$406,000 to 1 million or more. In a lawsuit, you can receive a financial settlement to cover:

- Funeral cost
- Medical bills resulting from the abuse
- Punitive damages
- Lost wages
- Cost of moving to another nursing home
- Emotional suffering, etc.

Bring Abusers Of Residents To Justice

Suing a nursing home for abuse or neglect is one effective way to bring abusers to justice. And even more, ensure that your loved one didn't suffer in vain. Residents who suffer nursing home injuries may suffer physical, emotional, and psychological pain or even die as a result of their injuries.

So filing personal injury lawsuits against a nursing care facility, its staff, or individual caregivers will bring punitive verdicts on abusers for their acts. And also, birth a sense of justice to residents and their close relatives.

Prevent The Continuation Of Abusive Acts

Whether the nursing home neglect case was settled out of court or by the court verdict, the outcome can help prevent further abuse in care facilities. Lawsuits will serve as a check for other caregivers or nursing home staff members who abuse or neglect residents.

Furthermore, care facilities on their end will ensure residents receive the high-quality care they deserve. And also, take internal disciplinary actions against staff members or caregivers found guilty of abuse or neglect.

Nursing Home Abuse Lawsuit Process



Once you hire a personal injury attorney for your case, here's the next legal process to follow:

Case Evaluation And Investigation

The nursing home lawsuit starts here. This is where your legal team will conduct an initial consultation and an investigation of the claim.

A medical expert will examine multiple records gathered by a specialist for indications of liability and interview you for more specific details about what happened.

The consulting medical expert will evaluate the case and give professional medical advice based on his examination. Which is usually to see whether medical mistakes were made and if the injuries or damages were because of these mistakes.

Notice Of Claim

Once your attorney decides to continue with the case, the potential defendants will be served a Notice of Claim (NOC) 60 days before filing the lawsuit. NOC is a letter of notice to a care facility with the intent of the plaintiff to sue them for injuries or damages. And that it may be subject to a claim for damages.

NOC contains the date of the injury or damages, how it happened, and the nature of your claim. The NOC must be properly executed to prove that you have viable evidence to back your claims.

Filing The Lawsuit

When it comes to filing nursing home lawsuits, it could take different routes. Depending on your loved one's agreement with the nursing home, your attorney can decide to settle by arbitration or file the lawsuit with the court.

Both options come with pros and cons. For instance, arbitration does not support an appeal. That is to say, you cannot apply for a formal appeal if the outcome is unjust or biased. This is because, in arbitration, the settlement between the plaintiff and the defendant is outside of court.

However, whether the case is filed in court or directly with a designated arbitration service – this stage is where everything gets serious.

Defendants Respond

After the lawsuit is filed in court, the plaintiff serves the defendant with a citation notifying them of the lawsuit. Each defendant who received this notice will have to file a response with the court. Initially, the time frame for defendants to respond is a month after receiving the notice.

Some state laws require the plaintiff's attorney in a medical malpractice lawsuit to serve an expert report on each defendant. This report should be detailed and tailored to outline where each defendant failed to perform optimally and how it caused the injuries or damages to the resident.

Pretrial Investigation Or Discovery Process

The discovery period is when your attorney uses to gather more information that couldn't be found in the medical record. Your legal team will take an in-depth look at facility records such as:

- Workload documents
- Confidential or sensitive information of residents
- Timesheets
- Work assignments
- Log books
- Incident reports/accident reports
- Identity of external consultants, etc.

During the discovery process, both parties exchange vital information that will help them build up evidence for their case. Evidence from the other side may include witness testimony, medical records, reports, and expert depositions.

Demand Letter

As part of the process, your attorney will serve the defense attorney with a demand letter. The goal of this letter is to secure a nursing home lawsuit settlement without going to trial.

The demand letter states its purpose and the amount of money you need as compensation. However, defense attorneys do not always agree to the terms of the demand letter right off. Oftentimes, the demand letter meets a counter offer or an outright rejection.

Settlements Negotiations And Mediation



This is the stage most nursing home lawsuits get settled. Considering the high cost and unpredictability of court trials, most attorneys advise their clients to out-of-court settlements.

Out-of-court settlement negotiations can start anytime from the initial time of case filing. Your attorney has to make an official demand to the defense attorney as a way to end the case. If both parties come to agree to a term, you will be compensated according to the agreement. And this decision is irreversible, even if the damages or injuries outweigh the compensation in the future.

But if the defense attorney rejects the settlement, both parties may have to go to trial where a jury can decide on the case. Or, involve a mediator.

A **mediator** is a neutral body invited to help the plaintiffs and defendants resolve their case. A mediator could be an appointed individual or a judge who will review and evaluate the claims of both parties and help them agree to a final amount.

However, if a mediator can't help both parties resolve the case, then both parties will proceed to nurse home litigation.

Trial



During the trial process, both parties will present their evidence before a judge and a jury. Trials can take weeks to months to be concluded. After listening to both parties argue their points, the jury will provide their judgment on the case. This judgment could be in your favor or against you.

However, court verdicts don't mean the case has ended. Any party can appeal if the court's judgment was biased or unfair. By appealing a lower court's judgment, you are asking a higher court to reexamine that judgment. It is important to note that you can only apply for an appeal if you can prove that judgment is unfair. And not just because you feel it is biased or unjust.

Hire An Elder Abuse Attorney



The best to take legal action for nursing home abuse is to consult a law firm to look into your case. Here, you'll be allowed a free consultation to determine whether or not they can provide you the legal help.

This is where you'll build the attorney-client relationship. You will entrust your case to the conduct of the elder abuse attorney if he accepts the case.

Book a free consultation with our team of [professional lawyers](#) to help you win your nursing home lawsuits.

Conclusion

Discrimination, inhumane treatment, denial of medical treatment or use of medical equipment, and many others are not allowed in a nursing home. Sadly, the reality of some nursing home residents is quite different from what these care facilities promised. And most of these cases of elder abuse go unreported. But nursing home litigation is one sure way of getting justice for nursing home patients that suffer abuse.

[Speak with us](#) if you suspect your loved one is being abused in a nursing home, our expert [personal injury lawyers](#) can help you get justice.

Meta Description

Nursing home abuse and neglect are often unreported. Several of which have resulted in serious injuries or even death. Find out how you can get justice for your nursing home abuse victim.

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