

JACKSONVILLE NURSING HOME ABUSE GUIDE

*What To Do If You Or A Loved One
Is Abused In A Nursing Home*

Edwards & Ragatz, P.A.

Personal Injury and Commercial Trials



It is difficult to place a loved one in a nursing home when the time comes for that. Oftentimes, there is resistance from them and a feeling of guilt on your part. It is not an easy thing to go through, but it is especially hard to deal with if you suspect nursing home abuse. It is very upsetting when your loved one is mistreated when you thought you could trust the facility that you chose for them. When these awful things happen, you may be able to pursue a claim. Our Jacksonville nursing home abuse lawyers are here to guide you through this legal process step by step to get you a successful outcome. After you read a little bit about your nursing home abuse case, please call us today to set up a free case evaluation.

HOW NURSING HOME ABUSE COMPENSATION WORKS

As your team of Jacksonville nursing home abuse lawyers, there are several things that we would be able to recover for you in terms of your damages and injuries when we pursue compensation from the facility your loved one was in. These include:

- » Physical therapy
- » Medical treatment
- » Pain and suffering
- » Change in living arrangements
- » Punitive damages

Often, the liable party will be able to offer you a fast settlement offer to victims of nursing home abuse to try to get the case over with fast and with low impact to them financially. We do not suggest taking that offer because it is almost always a lowball settlement offer. We urge you to consult with a lawyer before deciding to take any settlement offer. One of our Jacksonville nursing home abuse lawyers will be able to review the details of your case and help you to decide whether or not you should take this offer.

COMMON SIGNS AND INJURIES TO LOOK FOR

Sometimes the only way to know your loved one is being neglected or abused is to see the signs for them. There are several types of abuse that you should look for including physical abuse, emotional abuse, sexual abuse, financial exploitation, and healthcare fraud. Each of these types have several signs that you should look for to be able to detect nursing home abuse.

The signs of physical abuse include bruising, broken bones, and welts. Emotional abuse would have your loved one showing signs of dementia, nervousness, or being threatened by a caregiver in your presence. Sexual abuse would include torn or bloody underwear, or unexplained STDs. You would be able to see financial exploitation if you notice unexplained withdrawals from their account, names added to credit cards, or cash missing from their room. Lastly, if there is healthcare fraud, look out for your loved one getting the wrong dosage of medications, not enough staff to care for them, or duplicate bills for one service. All of these things would warrant a call to a Florida nursing home abuse lawyer.

IMPORTANT FIRST STEPS FOR A SUCCESSFUL CASE

Now that you know the signs of this neglect, the first step is to get evidence of it. That would include collecting medical records, taking photos of obvious injuries, and talking to the caregivers to get more information. When you have this information and know that there is a chance they are being abused, your next step is to contact our experienced lawyer to investigate the case thoroughly. We will be able to collect evidence and protect it from disappearing as well as uncover more evidence that you may not have been aware of. We will make sure your case is strong and that you are going to be ready to bring it to civil court.

FLORIDA NURSING HOME ABUSE STATUTE OF LIMITATIONS

The statute of limitations is the amount of time in which you have to bring your claim to receive compensation for injuries and damages. You should know that in rare circumstances, there may be extensions available to you to prolong your statute of limitations. Generally speaking, however, you will have two years from the day you discover or should have discovered the nursing home abuse to bring your claim. If you are late to bring your claim, there is nothing we can do to help you. Once you suspect abuse, you should not wait to call a lawyer because these cases take time.

FREQUENTLY ASKED NURSING HOME ABUSE QUESTIONS

How Do I Find the Best Attorney?

Nursing home abuse cases are considered complex, and I'm regularly asked by my clients why they should come to me. The reason they should come to an experienced nursing home abuse lawyer is because the nursing home industry, as with hospitals and doctors, has gone to the legislature repeatedly over the last few decades and gotten a number of protective statutes passed that create impediments to lawsuits that don't exist in any other field. If you don't get a properly trained nursing home lawyer, fatal mistakes can occur that can kill the case right at the very beginning. There are pre-suit processes and procedures that must be complied with or else the case can't be brought.

In investigating who you want to hire, there are a number of resources you can look to. The Florida Bar has information on their website that talks about things



you should look at in hiring a lawyer. On our website you're going to find that we've prosecuted lots of nursing home cases, including numerous million and multi-million-dollar results in front of juries. The experience a lawyer has in a given field tells you their ability to represent your interests. More importantly, it tells the insurance defense lawyer and the insurance companies that defend these people whether or not that lawyer is willing to take the case to jury, if necessary. That's going to force them to come to the table with reasonable value, hopefully without a trial.

There are a number of things you can look to in addition to board certification. Board certification means a lawyer has had a number of trials that they've documented for a committee of the Bar. That committee then interviews judges and lawyers that have been up against them. The lawyer will also have to pass a written test. Board certification in this area is the civil trial certification for the state of Florida. There are also benchmarks that mean a person has even surpassed those achievements, and they are national recognitions such as Best Lawyers in America. You also want to look for national organizations that are considered select organizations, such as International Academy of Trial Lawyers, ABOTA, American College of Trial Lawyers and International Barristers. Membership in those organizations means a person is considered one of the elite trial lawyers in their state and they are someone who has been recognized by judges and lawyers on both sides as being top tier.

When you look at the Best Lawyers in America, you'll also find that they rank law firms and lawyers in tiers. That means that they are considered elite lawyers in their field. You'll see tier one ratings for our firm in both personal injury and medical malpractice, which are the areas that cover nursing home abuse and medical malpractice.

What Mistakes Should I Avoid Making?

The mistakes that we see with nursing home negligence cases is waiting too long after problems are seen. You want to be tolerant and you want to understand that nursing home personnel have tough jobs, and you always want to be respectful in dealing with nursing home employees, but you need to firmly and politely insist on getting good care for your loved ones. If you're coming to visit your loved one and you're seeing that they are not getting the care that

they need and deserve, you need to bring it up with people such as the nursing supervisor, administrator of the home, or the doctor that's assigned to your loved one.

One of the problems that you run into in many nursing homes is that there are a limited number of doctors that will actually come to the nursing home. If your loved one isn't being moved regularly, if they're not getting their meals, if they're not getting help eating their meals, if they're not being provided repositioning, if they're not being cleaned, if you're coming in and finding them soiled, those are problems that need to be addressed. If you think there have been medication errors, if they're not being taken to therapy or they're not being given something as basic as water, those are red flags that you need to talk to someone in control and you need to then start monitoring what's going on.

The additional thing you need to do is only be tolerant to a point. If you find that problems are not being fixed, then you need to start thinking about moving your loved one. If you see any red flags, the most important thing you can do is ensure that you and other loved ones visit regularly. Don't get trapped into visiting at a specific time every day. I understand people work and you may not have the leeway to go by except at lunch or after work. Enlist loved ones, someone from your family member's church, synagogue, or other religious affiliation. Get friends and tell them there's a problem going on and enlist their help.

Having someone that goes and visits the loved one on a regular but infrequent basis, meaning going by multiple times a week but at different times of the day, keeps the staff on their toes and ensures that the loved one is being checked during multiple shifts. If you are seeing problems, then you need to react to it by talking to administrative personnel.

What Are the First Steps of a Case?

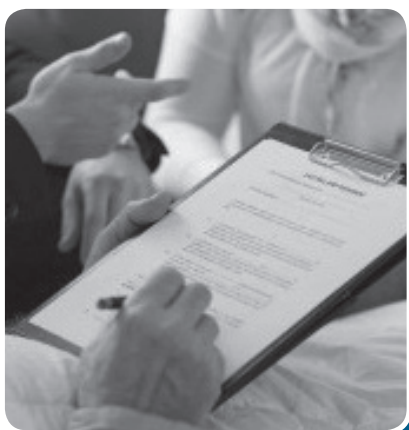
We had a client call us that said that another resident's family told them they suspected their loved one was being abused. That is something that cannot be ignored and cannot be delayed. When you call Edwards & Ragatz, we have the resources to start investigating immediately, but there's other steps you need to do. You need to protect the safety of your loved one. If there are visible wounds or injuries, you need to take pictures. You need to immediately notify the administrator or nursing home director of the issues, and immediately call

Edwards & Ragatz and we'll help you navigate through the other issues that will come once you suspect abuse or neglect of your loved one.

Should I Report the Abuse?

When our clients suspect nursing home abuse of their loved one, they'll ask us if there's anything else they can do. The first thing we would say is to call us and we can give you our advice, but there are also hotlines in the state of Florida, through the agency of healthcare administration, to call and report nursing home abuse.

When that is done, that triggers an investigation within a very short time frame where they will take your statement, the statements of the nursing home employees and the administrator, and they will investigate. What we'd say is there are methods to report it. I think the best advice would be to call us first, so we can navigate that together.



How Much is My Case Worth?

We're often asked how a client would determine the value of a nursing home abuse case. To do your job correctly as a trial lawyer, it is almost impossible to answer that question, particularly at the first meeting. You need to understand the injuries and how that affected your loved one.

You need to understand if this was a systemic problem of the nursing home that they had known about for years. The attorney needs to understand the nature of the liability, the nature of the injuries and the human impact that is had on the family members, and that often takes investigation and knowing your client well beyond the first meeting.

Should I Give a Recorded Statement?

We recommend that our clients not talk to risk managers, insurance adjusters, or insurance defense lawyers for the other side until they've talked to us first. We tell every client to always tell the truth and that's a fundamental responsibility of any lawyer. We also believe that it's very important that we prepare the

client before they're interviewed by someone for the other side. Risk managers, insurance adjusters, and insurance defense lawyers are trained to try ask questions that will garner incriminating statements. What we want to do is give our clients proper training in how to respond to questions so that they're alert to tricks of the trade that the defense may use to try to put them in an unfavorable light. We recommend that you always talk to us first before being interviewed by someone from the other side.

Should I Take a Settlement Offer?

We had a client in a nursing home negligence case where they found that their loved one had been abused and injured. There was a quick offer made to our clients because the insurance company knew that the CNA in charge of our client's loved one had made a grave mistake. When we heard what the offer was, it was insulting. It was extremely low. It didn't touch the real value of the case. Oftentimes, that's what happens when an initial offer is made. What we would say is if there's an initial offer made to you, to take the name and number of who made that offer, the date it was made, and call Edwards & Ragatz and we'll help you maximize the value of your claim.

How Long Will This Case Take?

Clients always come into initial meetings in nursing home abuse cases wanting to know how long their case is going to take. No lawyer can tell you if they're going to be able to settle your case quickly or not, at least not a responsible lawyer. The average complex personal injury case in the state of Florida takes between three and three-and-a-half years from the time the lawsuit is filed. There has to be an investigation period before filing a lawsuit.

Our law firm, because of our experience level, has success in settling cases early because most of the adjusters in the field know us. However, if they don't come to the table with what we and the client think is a reasonable amount of money, the case is not going to settle and we're going to take it to trial. To bring a complex case to trial takes time. In the nursing home field, there's a lengthy pre-suit process which prevents us from even going into court until certain things are done. We have to gather all medical records, hire experts, and then analyze the case.

In the nursing home arena, we have to start the pre-suit process by giving the defense, meaning the nursing home, an outline of everything that we think was done wrong in the case, which we typically don't do until we've interviewed our experts. We then lay that out for the nursing home, and they're given a 75-day investigation period before we're even allowed to file a lawsuit. We can't start that period until all the records have been gathered and analyzed.

Once that period concludes, there's an imperative time in which we have to file a lawsuit, and the defense has the right to ask for a mediation, which can again delay the lawsuit. Once it goes into a lawsuit, the lawsuit takes a long period of time because nursing home cases are typically considered complex. The recommended standards for personal injury cases in the state of Florida are that judges should strive to conclude cases within 18 months of filing, but those time standards recognize that complex cases can take longer. The current statistics are that nursing home cases average state-wide three to three-and-a-half years. Our goal is to move every case as quickly as we can, but we can never guarantee that any individual case is going to move within any given specific time frame.

CONTACT OUR FLORIDA NURSING HOME ABUSE LAWYER TODAY

If you are dealing with the upsetting suspicion that your loved one is being abused in a nursing home, please do not hesitate to call our Florida nursing home abuse lawyer today to set up your free consultation. We will be there for you right from the beginning and support you to the end where we will aim to get you the best possible result for your case. Call us today to learn how we can help you.

PREPARED BY EDWARDS & RAGATZ, P.A.

Tom Edwards and Eric Ragatz have worked together for more than 10 years, and between them, they bring decades of experience to every case. Tom is a Board Certified Civil Trial Lawyer, the highest specialty recognition given to lawyers handling injury and death cases and has the highest rating of AV by Martindale-Hubbell, a national attorney rating service. Eric has represented many injured clients in complex personal injury, medical malpractice, nursing home abuse and product liability cases, and has the highest rating of AV by Martindale-Hubbell.

This experience, and the personal devotion to clients and the relentless commitment to pursue justice, is why Edwards & Ragatz, P.A. is recognized for excellence in the Jacksonville area, and throughout the state. We are a dedicated team of various fields of expertise that serve clients with compassion and the utmost professionalism, making us one of the most trusted law firms in Jacksonville. From seasoned trial lawyers to paralegals and registered nurses, you can rely on the Edwards & Ragatz, P.A. team to deliver the comprehensive service and personal care your case deserves.

If you find yourself in an unfortunate situation and need medical malpractice lawyers or a personal injury attorney in Jacksonville, we will use our legal experience and vast resources to get fair compensation for your injuries. Together, we'll put the law on your side.

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