

Bed sore & Pressure Sore Legal & Medical Facts

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BRIAN A. RAPHAN, P.C.

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A. Legal Facts

There are many aspects to a bedsore or pressure sore lawsuit. The following information will help you get an understanding of some of the expectations of the care you are entitled to receive from a hospital, nursing home, or home care provider and the basic rights you have if you unfortunately become a victim of these sores while under the care of others.

A. Bedsores: Expectation of Care

- Federal and local laws are in place to protect patients at hospitals, nursing homes and medical facilities. If there is a deviation from the standard of care there can be liability on behalf of the facility.
- Nurses, doctors, aides, and physical therapists must provide adequate care for all patients and have procedures in place to prevent, reduce cause, and use effective means to treat bedsores and prevent them from advancing to further stages.
- Health care providers must do a risk assessment upon admission and reassess the risk level if conditions change. This is especially important with elderly patients.
- An immobile patient must be frequently and regularly reposition to avoid sustained pressure to the same part of the body for an extended time.
- Facilities must provide adequate nutrition to keep patients from being more susceptible to skin breakdown and pressure sores.



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Comments like this often indicate the hospital is at fault:

*“The patient is very old, sick
and bedsores are common”*

These comments by hospital or nursing home staff may be intended to blame the patient and keep you from suing for their wrongdoing.

Facts Regarding Your Legal Rights

- A bedsore victim or family of a victim may pursue a lawsuit regardless of what the healthcare facility or administrators say is the cause.
- Lawsuits may result from institutional or individual malpractice, abuse or negligence.
- Lawsuits may be able to be filed by the family for loved ones who have died.
- You may be able to sue for and recover a monetary award from new injuries and infections, and the aggravation of old issues caused by bedsores.
- You may not be refused representation on the basis of race, creed, color, religion, sex, sexual orientation, age, national origin or disability.
- You have the right to privacy in your dealings with your lawyer and to have your secrets and confidences preserved to the extent permitted by law.

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Facts Regarding Your Legal Rights

- If you are persuaded by a hospital or nursing home and settle a case on your own, only to find out 6 months later that the condition is more serious than first thought, you may have forfeited your rights to recover additional money.

That is why it is so important to contact an experienced bedsore attorney before you sign anything.

- Not every case will go to trial, nor should every case. But some do if the defendants refuse to pay. We evaluate each claim on its merits, and together decide the monetary settlement goal and the best route to get there. This is based on our over 25 years of experience in litigation and settling cases, the extent of the injuries and suffering, the venue of the lawsuit, and the needs and justice deserved by our clients.

- To increase the claimants chances of recovering a large award it is important for a claimant to be represented by a law firm experienced in handling insurance companies and city agencies. We have the expertise and resources to handle big cases.

Fact: Bedsores are not the fault of the patient.

The patient is the victim and should be financially compensated.



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Facts Regarding Your Legal Rights

Our team of legal and medical experts are on your side from the beginning and until you get justice for your pain & suffering.

- There is NO FEE for you to sue. We only receive a portion of your proceeds upon succeeding in getting you a financial recovery.
- Even if you already have a lawyer, if you are not 100% satisfied, or not getting the aggressive representation you deserve, it is your right to change attorneys without any additional fees. We can even easily handle the transfer of the case for you.
- Once a bedsore case is settled and the defendant is released, the money you received cannot be taken away, it is your money...income tax free.

Free, no obligation consultations:

By telephone, online, or in person.

Call 212-268-8200 or 800-278-2960

email bedsores@RaphanLaw.com for more information.

Fact:

There is no fee for you to sue for a bedsore, pressure sore or decubitus ulcer injury.*

Contact us to see if you have a valuable lawsuit. Millions have been awarded to victims.

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Nationwide representation available

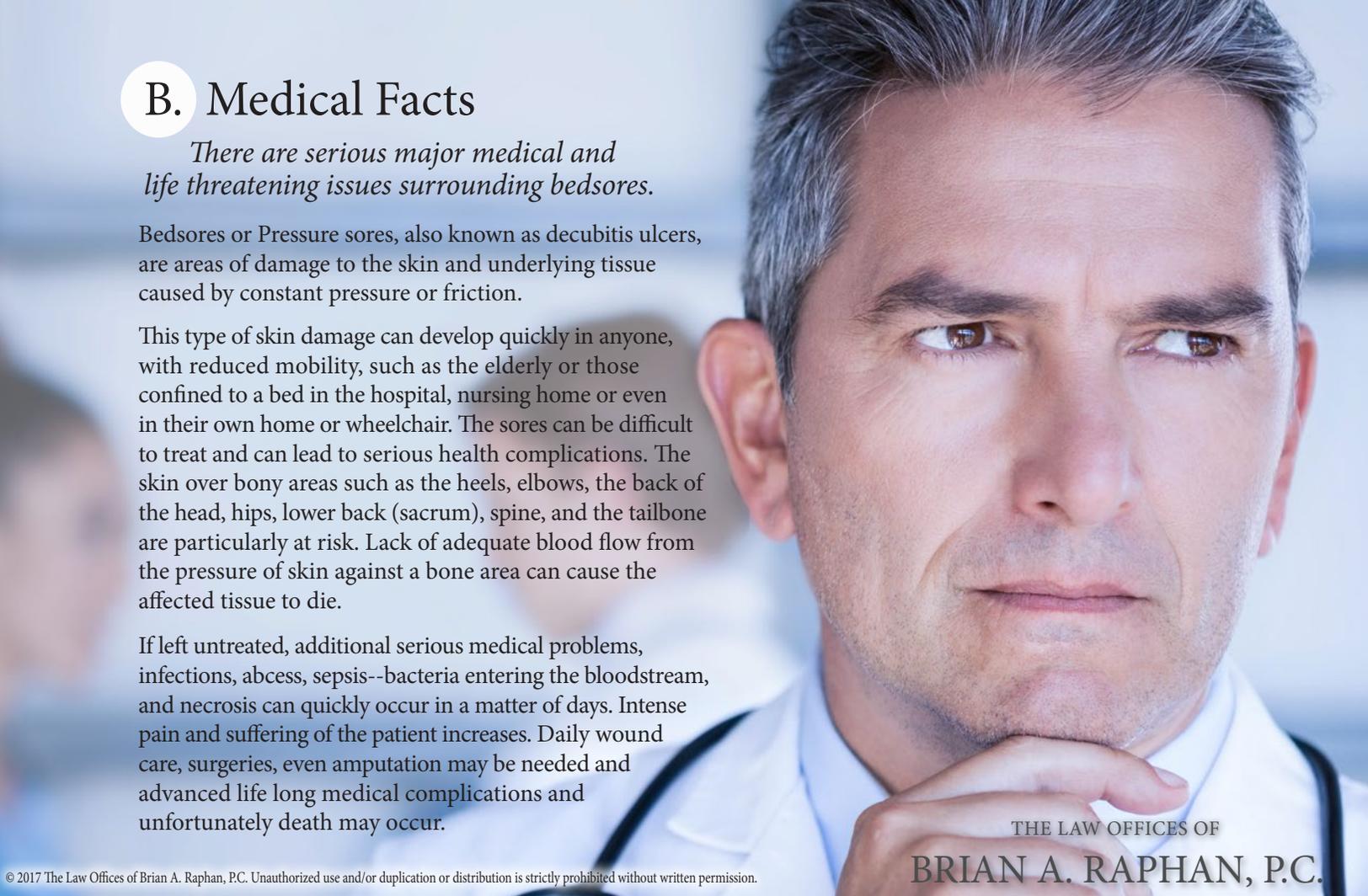


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*Our law firm only receives a portion of your proceeds upon succeeding in getting you a financial recovery.

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B. Medical Facts

There are serious major medical and life threatening issues surrounding bedsores.

Bedsores or Pressure sores, also known as decubitus ulcers, are areas of damage to the skin and underlying tissue caused by constant pressure or friction.

This type of skin damage can develop quickly in anyone, with reduced mobility, such as the elderly or those confined to a bed in the hospital, nursing home or even in their own home or wheelchair. The sores can be difficult to treat and can lead to serious health complications. The skin over bony areas such as the heels, elbows, the back of the head, hips, lower back (sacrum), spine, and the tailbone are particularly at risk. Lack of adequate blood flow from the pressure of skin against a bone area can cause the affected tissue to die.

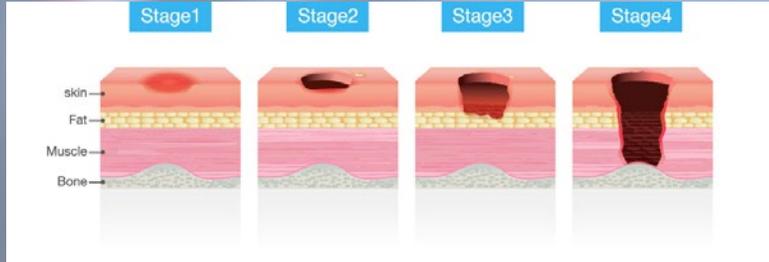
If left untreated, additional serious medical problems, infections, abscess, sepsis--bacteria entering the bloodstream, and necrosis can quickly occur in a matter of days. Intense pain and suffering of the patient increases. Daily wound care, surgeries, even amputation may be needed and advanced life long medical complications and unfortunately death may occur.

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Medical Facts *continued.*

Understanding the stages of Bedsores



Bedsores, Pressure Sores, Decubitus Ulcers sores are staged to four levels, including:

- **Stage 1** – skin discoloration, usually red, blue, purple or black. Pain may be experienced without breaks or tears.
- **Stage 2** – some skin loss or damage involving the top-most skin layers. Ulcer develops and wound may break open.
- **Stage 3** – necrosis (death) or damage to the skin patch, limited to the skin layers. A deeper more painful crater develops.
- **Stage 4** – necrosis (death) or damage to the skin patch and much deeper hole through to tendon, joint and even bone. Exposed bone can also be seen at this stage.

Note: Stages can progress very quickly, especially in elders and patients with reduced mobility confined to a bed or wheelchair. The sores can be difficult to treat and can lead to serious complications. The death rate amongst victims is highest at Stage 4.

Seek medical treatment from a doctor or wound care specialist as soon as you notice bedsores.

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Medical Facts *continued.*

Although these risk factors may increase the chance of bedsores or pressure sores, they should not happen while in the care of medical professionals, nurses, or any aide whose duty it is to care for a patient. Proper attention and care such as regularly turning the patient in frequent intervals is their duty and your legal right.

Risk factors:

- Restricted to either sitting or lying down
- Immobility and paralysis • Malnutrition
- Obesity • Urinary and fecal incontinence
- Poor physical condition • Advanced age

When a person is bedridden or in a wheelchair bedsores can occur in a number of areas. They are most likely to develop on parts of the body where there is constant pressure against skin and bone.

Locations of sores:

- Lower back/sacrum • Tailbone • Buttocks
- Shoulders • Hips • Knees • Heels • Elbows
- Back of head • Spine • Rims of ear

(Any location where skin quality is compromised and there is increased constant pressure against bone)

If visiting an elderly loved one in a hospital or nursing home, check their skin in these areas. Especially if they are immobile or do not have the ability to communicate. Do not rely on staff to have the concern that you as a family member may have.

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C. Treatment & Prevention

Hospitals, nursing homes and home aides are required by law to provide proper care for patients. Unfortunately this is not always the case. In many circumstances the patients may be immobile and have a medical affliction where they can not even speak for themselves to ensure they are getting the proper treatment they deserve.

To prevent skin damage, you need to relieve the pressure, reduce the time that pressure is applied and improve skin quality. A plan must be developed by those in charge and every caregiver must follow. This plan will include position changes, supportive devices, daily skin care, removal of feces and urine against the skin, a nutritious diet and methods to reduce infection and the spread of the disease. A routine and ongoing nursing assessment is also required for those at high risk of pressure sores.

Daily skin care strategies for preventing pressure sores include:

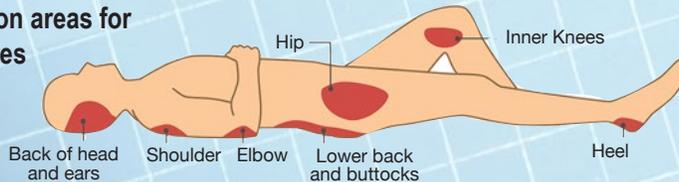
- Checking the skin at least daily for redness, tears, swelling or signs of discoloration.
- Keeping the skin at the right moisture level, as damage is more likely to occur if skin is either too dry or too moist.
- Use moisturizing products to keep skin supple and prevent dryness.
- Never massage bony areas because the skin is too delicate.
- Pillows may be used as soft buffers between the skin and the bed or chair.

Treatment & Prevention *continued*

Proper care often takes a team approach. Depending on the severity of the sore, members may include:

- A physician who oversees the treatment plan.
- A physician or specialist specializing in wound care.
- Nurses or medical assistants who provide both care, risk assessment and information for managing wounds
- A social worker who helps you or your family access resources and addresses concerns related to current and long-term recovery.
- A physical therapist who helps with improving mobility
- A dietitian who monitors the nutritional needs.
- A neurosurgeon, orthopedic surgeon or plastic surgeon, depending on whether you need surgery and what type.

Common areas for bedsores

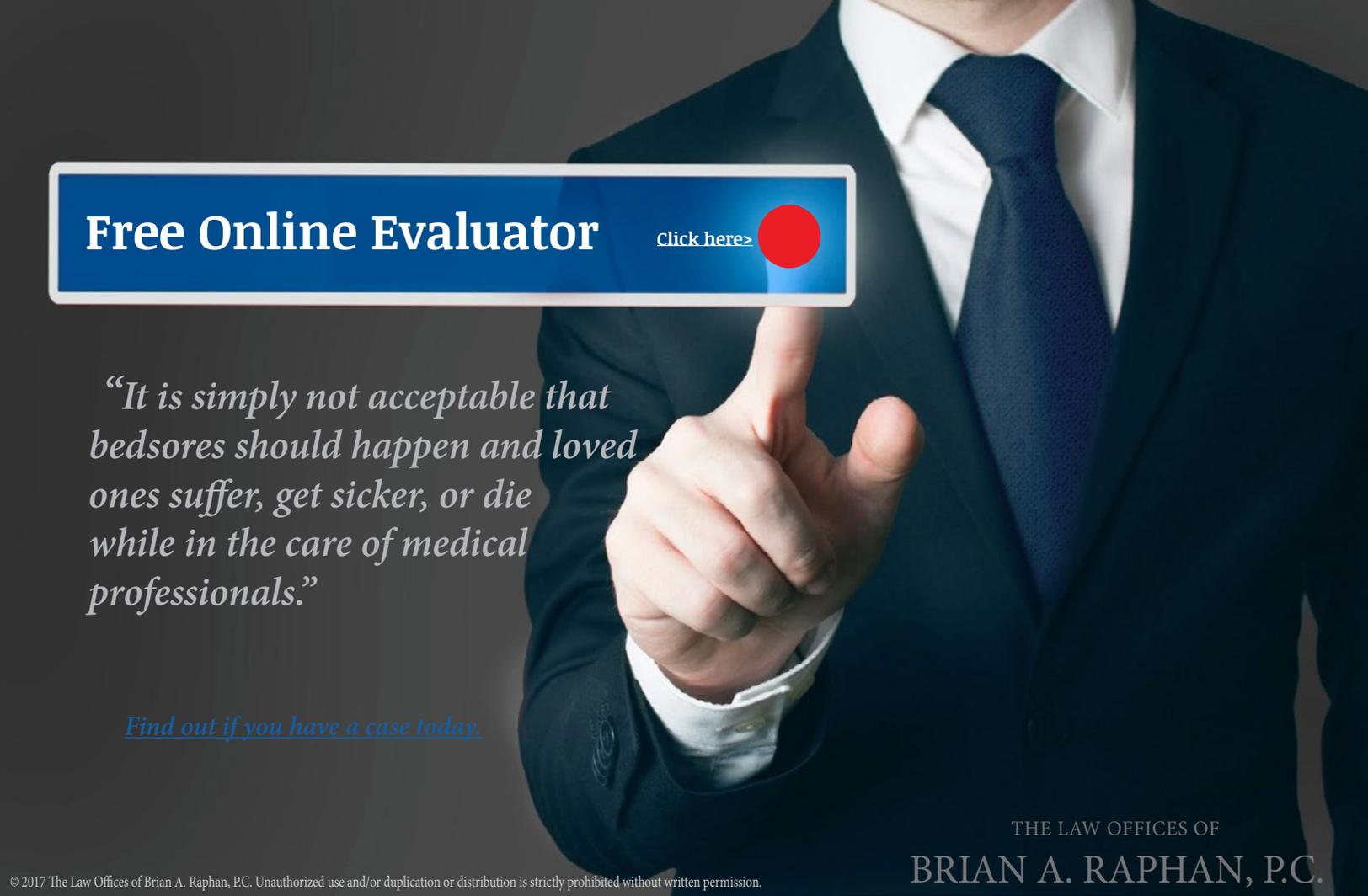


There are a variety of methods available to manage bedsores and promote healing:

These include:

- Regular position changes
- Special mattresses and beds, boots that reduce pressure
- Dressings to keep the sore moist and to also keep the surrounding skin dry
- Light packing of any empty skin spaces with dressings to help prevent infection and aid in healing
- Regular cleaning with appropriate solutions
- Specific drugs and chemicals applied to the area, if an infection persists
- Surgery to remove the damaged tissue
- Debridement either surgically or with enzymes
- Operations to close the wound, using skin grafts if necessary

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“It is simply not acceptable that bedsores should happen and loved ones suffer, get sicker, or die while in the care of medical professionals.”

[Find out if you have a case today.](#)

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1. It is important for a claimant to be represented by bedsores attorneys experienced in handling hospital and nursing home corporations, their legal counsel and insurance companies.

2. Using experienced bedsores attorneys will increase the claimants chances of recovering a large monetary award.

3. Our bedsores lawyers are experienced, responsive, and provide aggressive representation to help you recover the highest monetary award for your case.

4. Our resources and legal team approach of medical professionals and expert witnesses work in tandem and have a track record of success in bedsores and pressure sore lawsuits.

5. There is no fee to sue. We work on contingency and only receive a portion of the proceeds upon getting you a successful financial award for your pain & suffering.

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*Contact us to see if you have a valuable lawsuit.
Millions have been awarded to victims.*



BBB Rating: A+

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