

GEORGIA NURSING HOME ABUSE GUIDE

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

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Putting a loved one into a nursing home is a tough decision to make with your family. Sometimes it is the best choice for everyone involved, but there are still a lot of negative emotions involved with this. If it is discovered that your loved one has experienced abuse of any kind while in the nursing home, you may feel betrayed and

angry. We trust these facilities to take our family and when they breach their duty to care for them or act in a malicious way, we have a sense of anger and want these negligent parties to face punishment. What our Georgia nursing home abuse attorney can do is fight for just and full compensation. You deserve to see this case be as successful as possible. After you have read about your nursing home abuse case, please do not hesitate to give our office a call to set up a free consultation.

SIGNS AND SYMPTOMS OF NURSING HOME ABUSE

If you suspect nursing home abuse, there are several things you need to look out for that would signal that your loved one is being neglected or abused. As soon as you have identified these, it is important that you document it and talk to an attorney right away.

You should be on the lookout for bad personal hygiene. There are many patients who require assistance with washing themselves and caring for their personal hygiene including dental care, clipping their nails, and changing their clothes. If they are negligent in helping your loved one with this, you will begin to notice a difference in their hygiene. Bad breath, untrimmed nails, knotted hair, and dirty clothes would be a good indication that this is happening to your loved one.

Another common sign of negligence is the unsanitary living conditions. This includes the safety and cleanliness of the facility. There should be a level of sanitation kept up in spec with federal law. If you notice your loved one does not have sufficiently clean linens, bathroom area, and kitchen facility, they could be getting sick from this and you should collect this evidence.

Lack of proper nutrition is a terrible form of abuse. This can be caused by an understaffed facility or no attention to specific nutritional needs. Malnutrition and dehydration are symptoms of a lack of proper nutrition. You may notice that your loved one is losing weight or looks ill. Dehydration can cause a myriad of health issues as well.

If your loved one is being neglected, you may notice that their mobility has seriously declined. Typically, your loved one should be given a chance to exercise to their ability frequently so that they keep their strength up. If your loved one cannot move as well or has bedsores, that's a good indication that they have been neglected.

Some patients who are not getting the attention that they need will attempt to get up and do things for themselves even if they cannot manage it on their own. In those cases, they could hurt themselves. If they are not getting the help they need and hurt themselves, you would have a case for negligence.



HOW NURSING HOME COMPENSATION WORKS

The goal of a nursing home abuse case is to get you the compensation you deserve for the damages and injuries your loved one has sustained. Your Georgia nursing home abuse attorney is here to help you accomplish this goal. There are a few things that you would be pursuing compensation for. If a facility is responsible for your loved one's injuries and emotional damages, you would be eligible for compensation that would account for the following:

- » Physical therapy needed to rehab from the injuries
- » Medical bills from treating the injuries
- » Pain and suffering
- » Change in living arrangements/nursing homes
- » Punitive damages to punish in cases of malicious intent to harm

It is not uncommon for the liable party to try to offer you a quick settlement offer to try to get the nursing home abuse case resolved right away. We highly suggest that you do not accept this offer because, more often than not, the first offer is always much lower than what you truly deserve. It is important to contact an attorney before you talk to the insurance company because you want to fully protect your rights to compensation and they will be able to do that for you through case review and utilizing the evidence to strengthen your case.

FREQUENTLY ASKED NURSING HOME ABUSE QUESTIONS

How Do I Pick the Right Attorney?

One of the most emotionally significant types of cases that we encounter on a regular basis are nursing home negligence cases. These are cases that arise when a person who is in the care of nursing home workers has been injured because the worker was negligent or careless. In looking for an attorney to handle this type of case, it's extremely important to have someone who knows how these cases work and has experience handling them. These are not easy cases to work up, and they're heavily reliant on expert testimony to get a successful result. At The Gunnels Law Firm, we have handled these cases on many occasions, and we know how to get the best possible results for our clients.

Another thing that you need to make sure is that you have an attorney who has knowledge of how the insurance system works. Before beginning to represent victims in these types of cases, I represented insurance companies and defended the people that caused the harm. I have since realized that I was on the wrong side and my skills were put to better use in helping people that need to receive compensation for what they have had to endure. Now I can put that knowledge and experience to use for my clients to help them achieve the best possible resolutions for their own cases.



Finally, as in any type of personal injury case, you must find an attorney who has demonstrated he or she will go to trial when called upon. There are many attorneys who will not go to trial and do not try cases, and insurance companies know this. Those attorneys never get the best possible offers on their cases because insurance companies know they will simply take the last offer.

At The Gunnels Law Firm, we pride ourselves on taking cases to trial and letting juries determine the appropriate value of an injury. This is often the only way to get proper compensation for our clients. We are never going to be known as a law firm who will not try cases, and you can count on us to take cases all the way through trial when it is necessary. If you or a loved one has received an injury due to negligent care in a nursing home, please give us a call. We're here to help.

What Mistakes Should I Avoid Making?

When we have clients seek our help with potential nursing home negligence cases, they often find that they've harmed their case without even knowing it. One thing that we see potential clients do is not report the negligent conduct to the nursing home itself. Nursing homes generally have an oversight staff and risk managers whose job it is to make sure that things are done properly. If you don't report these things to the nursing home staff, then they never get documented, and when we seek to bring a claim about them later on, it looks like you were simply raising them well after the fact. Reporting and pursuing these types of matters is something that often will curb this careless behavior, and by your actions, you may help people down the line not have to deal with the same problems as your loved one.

Additionally, we see people harm their cases when they delay too long and don't hire the right attorney. If you hire an attorney who doesn't know how to handle a nursing home negligence case, you run the risk of evidence being lost and your claim not being preserved in a manner that allows it to be presented later. Make sure you hire the right attorney to handle your case. If you believe that you have a nursing home negligence case and you would like to speak to me about it to see if you have a viable claim, please give me a call immediately. We are here to help.



How Much Will My Case Be Worth?

When we're called upon to evaluate a nursing home negligence case, one of the first things our client wants to know is the value of the claim. There's no way to determine this right at the beginning. In order to get to that point, you need to have information about the extent of the injury and the negligence that caused it. If this is an injury the person can fully recover from, it's going to have a much less valuable resolution to it than a case where the person is permanently injured as a result of the negligent treatment. Additionally, if the negligence was egregious, the value of the case becomes higher as well.

We have to look through all of those things in order to evaluate the value of your case. Once you have discovered all the facts and information, you're in a better position to start applying what can be recovered in that situation. We look at two different categories of damages.

The first one is special damages, which generally refers to medical expenses and lost wages. These are often easy to determine. The aspect that's much harder to determine is called non-economic damages. These are things like pain and suffering and the loss of enjoyment of their life. If your loved one has a very limited amount of life left, those claims may be seen as having more value because the time is so short, so that's a thing that has to be taken into consideration.

While nursing homes generally have plenty of liability insurance to cover their claims, proving liability in those cases is often very difficult to do. In a nursing home case, you're not going to have the nursing home admitting that they did something wrong. They're going to have lawyers that are fighting to defend them. They're going to have experts that they've paid to come in and say that they've done nothing wrong. The level of persuasiveness of that defense and how a jury might perceive it has a lot to do with what the case is worth as well.

As you can see, there are a lot of factors that go into determining this case value. My advice is that you immediately consult a lawyer who can start making sure your case is preserved in the best possible manner, so it can be presented and get you the most effective outcome. If you have this situation and you'd like to consult with me to determine if you have a viable case, please give me a call. We're here to help.

Do I Need to Have a Minimum Amount of Medical Bills?

When we evaluate nursing home negligence cases, one of the things we have to look at is the amount of damage that's been caused, and a lot of that comes from medical expenses. Nursing home negligence cases are extremely expensive to bring forward. They involve a lot of time, depositions, and expert testimony. These are cases that can take a long time. You don't want to pursue one of these cases when your recovery is not going to exceed what the value of the case is. In looking at a nursing home case, what you want to look at is how significant the injuries are, specifically if there are permanent injuries or if someone passed away as a result.

If you have a loved one who has been at a nursing home and suffered a substantial injury, oftentimes those warrant looking into. If you're in that situation with a loved one and you'd like to have an evaluation done of your claim, please give me a call. We're here to help.

Should I Give a Recorded Statement?

When someone has a potential nursing home negligence case, they are asked by the nursing home's insurance provider to provide a statement of what they believed happened. We are often asked if you should comply, and the answer is always no. While you may think you're doing a helpful thing for your claim, what you are actually doing is harmful. Insurance companies use trained claims examiners to ask questions in a way that will garner misleading answers and be detrimental to your claim going forward. Don't ever give such a statement, especially without your attorney present.

If you believe that you have a nursing home negligence case and you would like to discuss it with a trained attorney, please give me a call. We're here to help.

How Long Do These Cases Take?

When clients come to see us over claims that involve nursing home negligence, we are often asked how long they should expect these cases to take. The answer is that nursing home cases usually take quite a while to resolve. Oftentimes, nursing home cases, because of their nature, are not usually the types of cases that can be resolved prior to filing a lawsuit. These types of cases involve a lot of discovery of information and gathering of evidence to support the claim, and usually involve numerous expert witnesses.

Under Georgia law, a statute of limitations for a personal injury case, such as a nursing home negligence case, is two years from the date of the incident. Once the lawsuit is filed, that process can take quite a while to work through. In general, it's probably good to expect that those cases may last three to five years from the time of filing the lawsuit before you're able to get a resolution. While we can often get very good results, they often don't come quick.

If you believe that you or a loved one has a claim involving nursing home negligence and you would like to know how long your claim may last, please give me a call. We're here to help.

CONTACT OUR OFFICE TODAY FOR A FREE CONSULTATION

If you believe your loved one has been abused or neglected, please call our experienced Georgia nursing home abuse attorney to get a free consultation. We will help you collect evidence, protect that evidence from going misplaced, and fight the liable party's insurance company to get you the compensation for the damaged and injuries sustained by your loved one in this negligent facility.

ABOUT THE AUTHOR

Mr. Gunnels is the founding member of The Gunnels Law Firm, LLC in Atlanta. Mr. Gunnels graduated from Georgia Southern University with a degree in Business Management in 1999 and from the University of Alabama School of Law in 2002, with honors. While at Alabama, he served as a Senior Editor and

Treasurer for the Alabama Law Review and won several awards for skill in oral advocacy in competition with the Environmental Moot Court Team. He was also inducted into the Bench and Bar Legal Honor Society and elected by his peers to serve as an Associate Justice on the University of Alabama's Honor Court. Mr. Gunnels has extensive experience handling a wide variety of general liability matters. He has successfully resolved cases involving wrongful death, personal injury, construction defect, premises liability, mass torts and products liability.

