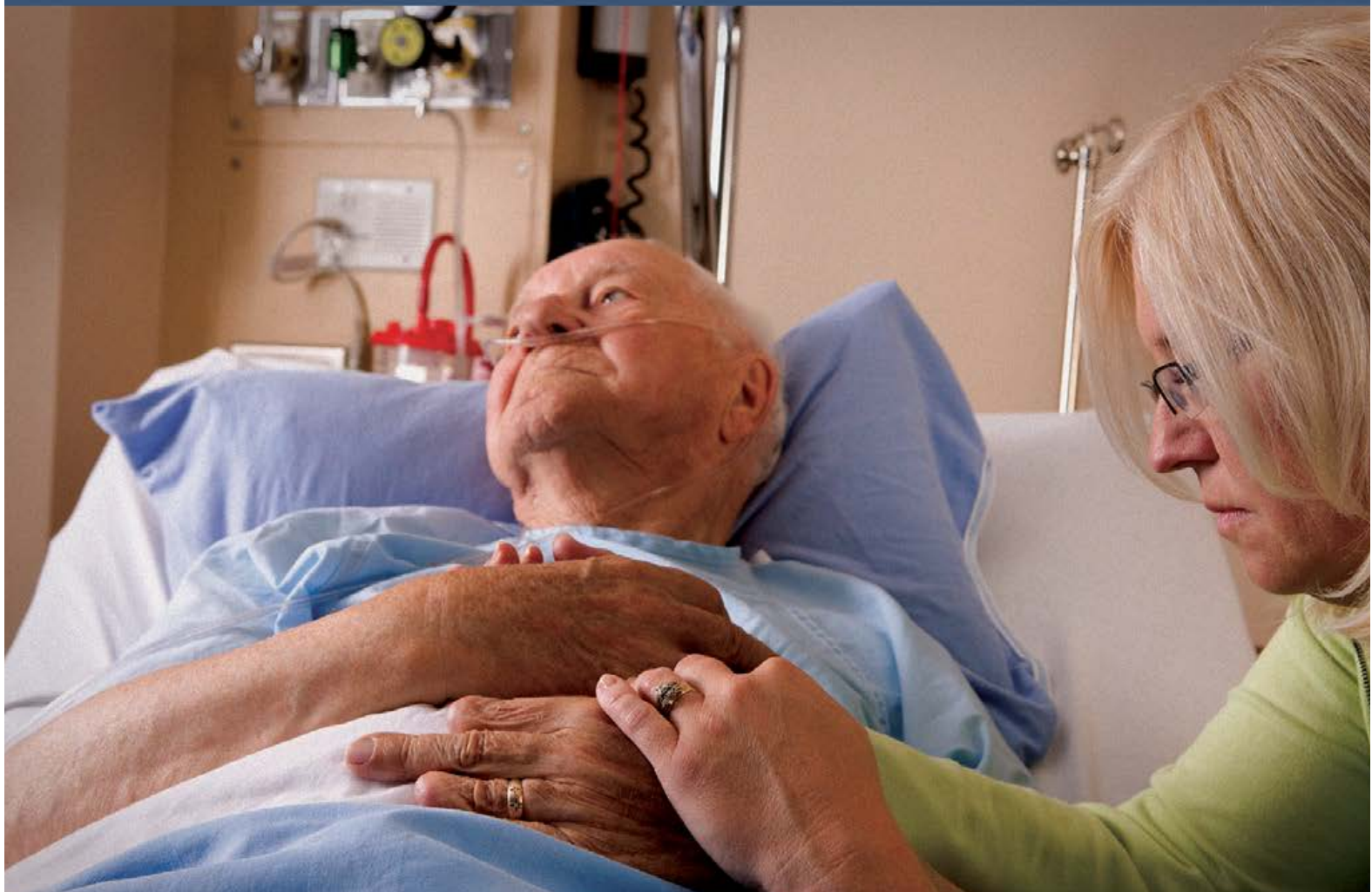


THE LAW OFFICES OF  
BRIAN A. RAPHAN, P.C.

*Bedsore & Pressure Sore  
Legal & Medical Fact Sheet*



## FACT SHEET:

- A. Legal Information
- B. Medical Information
- C. Treatment

### A. Legal: Bedsore lawsuits

- Federal laws are in place to protect patients at hospitals, nursing homes and medical facilities.
- A 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 filed by the family for loved ones who have died.

#### Facts regarding your legal rights

- 1 You may be able to sue for and recover a monetary award from new injuries and infections and the aggravation of old ones caused by bedsore or pressure ulcers.
- 2 The defendant's insurance company may ask you for a recorded statement describing the appearance of bedsore and treatment. Remember you have no obligation to give them such a statement, nor is it wise to do so.
- 3 The defendant's insurance company will ask you for authorizations to obtain medical records. Let your attorney release your records after he or she has reviewed them. It's best not to offer information by yourself.
- 4 Some insurance companies will offer money to settle the case before you contact an attorney. In this situation the insurance company knows they will have to pay out money and they hope to settle the claim before you hire an attorney who can negotiate and demand a higher amount. Always consult an attorney if an insurance company is offering you money. By doing so you will in all likelihood increase your net recovery even after taking out the lawyers fee.
- 5 Once a bedsore case is settled and the defendant is released, regardless of whether you make a full recovery or not, the money you received cannot be taken away, it is your money...income tax free.
- 6 If you need surgery, it is important to go forward with that before you settle your pressure sore or bedsore lawsuit.
- 7 If you are persuaded by a hospital or nursing home and settle a case on your own, only to find out 6 months later you have more serious conditions than first thought, you will 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.
- 8 Not every case will go to trial, nor should every case. We evaluate each claim and together decide best route and a reasonable monetary settlement as a goal. This number is based on our years of experience settling cases, the extent of the injuries and suffering, the parties involved, the venue the lawsuit will be brought. Therefore, you may get a large settlement without ever having to go to trial.

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## *Reasons why is it important to hire a qualified and experienced bedsore legal team to handle your lawsuit:*

1. It is important for a claimant to be represented by someone who is experienced in handling insurance companies, institutional medical facilities and city agencies. Using experienced bedsore attorneys will increase the claimants chances of recovering a large monetary award.
2. We have the best resources, and legal teams to handle big cases against hospital, nursing home or large corporation.
3. Our bedsore lawyers are meticulous, intelligent, and aggressive while operating with the highest level of professionalism. The resources and legal team approach of medical professionals and expert witnesses work in tandem and have a track record of success in litigating bedsore lawsuits.
4. There is no fee for a consultation with our law firm either over the phone or in person. There are no fees unless and until we win you a monetary award. There will be no charge to the client on any cases that are unsuccessful.

## **B. Medical:**

Although not intended to be a substitute for professional medical advice, below are some things to consider: 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 older people or those confined to a bed or chair. The sores can be difficult to treat and can lead to serious complications. Prevention includes regular position changes, good hygiene and skin care, and a healthy diet. The skin over bony areas such as the heels, elbows, the back of the head and the tailbone (coccyx) is particularly at risk. Lack of adequate blood flow can cause the affected tissue to die if left untreated.

### **Grades of pressure sores**

If a person is bedridden for long enough, the areas of skin constantly in contact with the mattress or chair will start to discolor. This shows that the skin is in danger of ulcerating.

Pressure sores are graded to four levels, including:

- Grade I – skin discoloration, usually red, blue, purple or black
- Grade II – some skin loss or damage involving the top-most skin layers
- Grade III – necrosis (death) or damage to the skin patch, limited to the skin layers
- Grade IV – necrosis (death) or damage to the skin patch and underlying structures, such as tendon, joint or bone.

### **Complications of pressure sores**

Untreated pressure sores can lead to a wide variety of secondary conditions, including:

- Sepsis (bacteria entering the bloodstream)
- Cellulitis (inflammation of body tissue, causing swelling and redness)
- Bone and joint infections
- Abscess (a collection of pus).

### **Risk factors for pressure sores**

A pressure sore is caused by constant pressure applied to the skin over a period of time. The skin of older people tends to be thinner and more delicate, which means an older person has an increased risk of developing a pressure sore during a prolonged stay in bed.

Other risk factors for a pressure sore include:

- Poor physical condition
- Poor mental condition
- Immobility and paralysis
- Being restricted to either sitting or lying down
- Urinary and fecal incontinence
- Malnutrition and obesity

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- Advanced age
- Smoking.

People who use a wheelchair are most likely to develop a pressure sore on the parts of the body where they rest against the chair. These may include the tailbone or buttocks, shoulder blades, spine and the backs of arms or legs.

When a person is bedridden, pressure sores can occur in a number of areas, including:

- Back or sides of the head
- Rims of the ears
- Shoulders or shoulder blades
- Hipbones
- Lower back or tailbone
- Backs or sides of the knees
- Heels, ankles and toes.

## Prevention of pressure sores

Hospitals and nursing homes are required by law to provide proper care. If you are the caregiver for someone confined to a bed or chair for any period of time, it's important to be mindful of the risk of pressure sores.

To prevent skin damage, you need to relieve the pressure, reduce the time that pressure is applied and improve skin quality.

Develop a plan that the person under your care, and any other caregivers, can follow. This plan will include position changes, supportive devices, daily skin care, a nutritious diet and supportive lifestyle changes.

A routine nursing assessment is required for people at high risk of pressure sores.

## Position changes and supportive devices for preventing pressure sores

People who use a wheelchair are advised to shift position within their chair about every 15 minutes.

People who spend most of their time in bed are advised to change position at least once every two hours, even during the night, and to avoid lying directly on their hipbones.

Pillows may be used as soft buffers between the skin and the bed or chair.

## Daily skin care for preventing pressure sores

Strategies include:

- Check the skin at least daily for redness or signs of discoloration.
- Keep 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.

## Diet and lifestyle for avoiding pressure sores

Strategies include:

- Make sure the person eats a healthy and nutritious diet.
- Be aware of using good hygiene practices.
- Maintain activity levels, where appropriate.
- Make sure the person quits smoking.

## Warning signs of pressure sores

Daily checks are needed to look for the following early warning signs:

- Red/purple/blue, torn or swollen skin, especially over bony areas
- Signs of infection, such as skin warmth, swelling, cracks, calluses, and wrinkles.

## C. Treatment

There are a variety of treatments available to manage pressure sores and promote healing, depending on the severity of the pressure sore. These include:

- Regular position changes
- Special mattresses and beds that reduce pressure
- Dressings to keep the sore moist and the surrounding skin dry
- Light packing of any empty skin spaces with dressings to help prevent infection
- Regular cleaning with appropriate solutions, depending on what stage the sore is at
- Specific drugs and chemicals applied to the area, if an infection persists
- Debridement and Surgery to remove the damaged tissue
- Surgery to close the wound, using skin grafts if necessary
- A physician specializing in wound care
- Continuing supportive lifestyle habits such as eating a healthy and nutritious diet.

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### **Evaluating a bedsore**

To evaluate a bedsore, your doctor will:

- Determine the size and depth of the ulcer
- Check for bleeding, fluids or debris in the wound that can indicate severe infection
- Try to detect odors indicating an infection or dead tissue
- Check the area around the wound for signs of spreading tissue damage or infection
- Check for other pressure sores on the body

### **Questions:**

- When did the pressure sore first appear?
- What is the degree of pain?
- Have you had pressure sores in the past?
- How were they managed, and what was the outcome of treatment?
- What kind of care assistance is available to you?
- What is your routine for changing positions?
- What medical conditions have you been diagnosed with, and what is your current treatment?
- What is your normal daily diet?
- How much water and other fluids do you drink each day?
- Did anyone from the hospital or nursing home remark about the sores?
- Were you given immediate attention?

### **Things to remember**

- Bedsores for nursing home residents or hospital patients should not happen with proper care. They are not the fault of the patient. The patient is the victim and has legal rights and may pursue a lawsuit regardless of what the hospital or nursing home says is the cause.
- Pressure sores can be difficult to treat. Get immediate medical attention.
- Proceeding with a lawsuit may improve your medical care and attention as facilities now know they are being watched and held accountable for their actions.
- Do not delay medical or legal attention.

Visit [www.RaphanLaw.com](http://www.RaphanLaw.com) for more information.

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