

# **What You Need To Know About Elderly Abuse and Negligence In Colorado Nursing Homes**

Elderly persons living in nursing homes and other types of elderly care facilities deserve our respect, dignity, and proper care and attention. Unfortunately, such elderly care facilities can occasionally fail in their obligations and duties in caring for the elderly. Such cases of nursing home neglect and abuse often result in older people being physically or psychologically harmed by the negligent or intentional acts of their caregivers.

Nursing home abuse can be caused by poorly qualified and inadequately trained staff, staff with a history of violence, inadequate numbers of nursing home staff, the isolation of residents or even the reluctance of residents to report abuse out of embarrassment or fear of reprisal.

## **Has an Elderly Abuse Crime Been Committed?**

All elderly residents of nursing homes have the right to be free from verbal, sexual, physical and mental abuse, and any physical or chemical restraint that is imposed upon them for the purposes of discipline or convenience, rather than to treat a medical condition. There are a variety of state and federal laws that impose criminal penalties on nursing home caretakers who abuse, neglect, or mistreat an elderly nursing home resident. Failure to provide nursing home residents with sufficient food, keeping them clean and preventing bedsores from occurring, among other basic care taking duties, have supported convictions for criminal neglect.

In other nursing home abuse cases, the unjustified use of physical restraint or force against nursing home residents has resulted in convictions for nursing home abuse. If you believe a crime has been committed involving the care of yourself or a loved one by a nursing home it is important that you report it immediately and contact an experienced nursing home abuse attorney. An experienced nursing home abuse attorney will be able to examine your claims to determine if legal action is warranted and what the next steps are if indeed legal action needs to be taken.

## **Who is Liable for a Nursing Home Injury?**

A nursing home can be held liable for negligence if the injured party can prove that the nursing home's owner or employees breached a duty of care owed to the injured person, that the person's

injury was caused by this breach or that the nursing home owner's or employee's conduct caused the injury to its elderly resident. Additionally, a nursing home will generally enter into a contract with a resident, in which it sets out what services it will provide, and the cost of those services.

If the perceived abuse or neglect of the nursing home or its employees is contrary to promises made in the contract regarding the care of residents, the nursing home can be sued under a breach of contract theory. Many nursing home contracts require only that the home provide such services as are reasonably necessary for the resident's well-being, but even under this standard, a nursing home could be found negligent if it failed to meet the basic needs of a resident.

There are several ways that nursing homes can be held responsible for injuring others as a result of their negligence, abuse, false imprisonment, or violations of criminal statutes, as well as violations of regulations regarding licensing, maintenance, and general operational standards. An act of abuse, neglect or exploitation of an older person by a nursing home can lead to an investigation and finding by an adult protective services agency, a civil lawsuit, and/or criminal prosecution.

The liability of a nursing home owner or employees can result from:

- Negligent personal supervision and care of elderly residents
- Negligent selection or maintenance of equipment
- Negligent hiring and retention of nursing home employees
- Negligent maintenance of the premises

### **Should I Speak to a Nursing Home or Elderly Abuse Attorney?**

If you believe that a loved one has suffered an injury or death due to the negligence or abuse of their nursing home caretakers, you should contact an attorney who specializes in nursing home or elderly abuse law. Such an attorney will review the facts of your particular legal situation to determine whether or not the nursing home may be liable for such abuse or neglect. Failure to do so could result in further abuse or neglect to other innocent elderly residents so it is both a legal and moral obligation to report and counteract the abuse and mistreatment of elderly nursing home residents.