

**National Citizens' Coalition for
NURSING HOME REFORM**

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Press Statement

For Immediate Release:
July 17, 2002

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Tort Reform Would Deny Nursing Home Residents Basic Legal Protections and Access to the Courts

Across America, nursing home residents are suffering serious injuries, and many are dying as a result of abuse and neglect. Federal investigators recently reported that although more than 30 percent of the nation's 17,000 nursing homes have "been cited by state inspectors for violations that harmed residents or put them in immediate jeopardy," physical and sexual abuse in nursing homes is not promptly reported and is rarely prosecuted. Other government studies show that the 30 percent of facilities that are cited are only the tip of the iceberg, because inspectors regularly under-report the seriousness of deficiencies and do not impose penalties for harm to residents.

Last month, Catherine Hawes, a leading expert on nursing home abuse and neglect, testified before a U.S. Senate Committee on Finance hearing that "the most preventable causes of abuse and neglect are low staffing levels and inadequate staff training." A Congressional study released in February found 9 out of 10 U.S. nursing homes lack adequate staff, and that staffing is in fact so dangerously low in more than half of nursing homes that residents' lives are jeopardized.

"Despite these staggering statistics," said Donna R. Lenhoff, executive director of the National Citizens' Coalition for Nursing Home Reform, "the nursing home industry is supporting federal legislation that would put limits on one of the few protections shielding our nation's frail elderly nursing home residents: civil lawsuits that hold facilities accountable for the injuries they have inflicted.

"In the states that have already enacted tort reform legislation," Lenhoff added, "nursing home residents have been robbed of their basic legal protections and denied access to the courts when they need it most."

Lenhoff said one of the current tort reform bills, HR 4600, "defines 'medical malpractice' so broadly that it protects skilled nursing facilities while limiting the ability of elderly and disabled residents to seek justice in the courts."

The nursing home industry says it is reeling from the high cost of litigation, and claims lawyers receive huge judgments for nursing homes' "relatively minor miscues."

“The ‘minor miscues’ they want to escape responsibility for are failure to prevent and treat bedsores, failure to prevent accidents, failure to administer pain medication, unsanitary conditions, improper chemical restraints, and dangerously low staffing, to name a few,” said Lenhoff. “Before Congress accepts the complaints of the nursing home industry that *it* is suffering from malpractice litigation, we hope it will examine the suffering of the elderly and disabled men and women whose poor treatment results in these lawsuits.”

NCCNHR is urging Congress to reject proposed federal tort reform legislation.

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NCCNHR is a national, non-profit membership organization, founded in 1975 to improve the long-term care system and the quality of life of nursing home residents.