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CONTACT Marikay Martin  
847.732.6996

## **Levin & Perconti Files Lawsuit against Lincoln Home ---IDPH cites the Lincoln Home for improper nursing care and injury of resident**

CHICAGO--Steven M. Levin and Michael F. Bonamarte of the Chicago law firm, Levin and Perconti, recently filed a lawsuit in the Circuit Court of Cook County on behalf of James David (JD) McDaniel who was neglected when he was a resident at the Lincoln Home (Belleville, IL) from March to April 2007. **Lincoln Home was also cited by the Illinois Department of Public Health (IDPH) for improper nursing care and injury of a resident.** The Lincoln Home's registered agent and registered office are located at 465 Central Avenue, Suite 100, Northfield, IL 60093 and their corporate office is located at 3856 W. Oakton Street, Skokie, IL 60076, Cook County, IL.

78-year old JD McDaniel was admitted to Lincoln Home with the help of his son, David, and daughter-in-law, Gina McDaniel (Fairview Heights, IL), to recover and regain his strength following a hospital stay. Upon his admission to the facility, he was evaluated as suffering from occasional confusion and difficulty adapting to new situations. He was also evaluated to be at risk for falls and wandering. Thus, JD's Plan of Care required supervision to ensure his safety by preventing him from wandering around and out of the facility and to prevent dangerous falls. JD also required assistance with the activities of daily living. JD had been looking forward to returning home and resuming his usual routines once he regained his strength.

Attorney Steven Levin explained the allegations against Lincoln Home, "Sadly, JD did not feel at home while he resided at Lincoln and tried to leave the facility on several occasions. Despite the facility's knowledge that JD was at risk for wandering and also at risk for falls, Lincoln's staff failed to supervise him and monitor his whereabouts. On April 3, 2007, JD's son, David, arrived for a visit and

discovered that his father was missing. After an extensive search, JD was found wandering outside the facility. In a separate incident which occurred on April 28, 2007, Lincoln's staff failed to monitor his whereabouts. Confused, JD wandered down a hallway that looked similar to his own and ended up in a fellow resident's room. The resident became agitated and pushed JD to the floor. The impact of the fall was so great that it caused JD to suffer a broken hip which sent him to the hospital for immediate surgery."

Attorneys Steven Levin and Michael Bonamarte discovered that despite the nursing staff's knowledge that JD was at risk for wandering, the Lincoln Home simply failed to provide the care that JD needed to address this risk and failed to update his care plan to better suit his needs. They further discovered that although JD was wearing a monitoring device, the nursing staff failed to notice that he left the facility on several occasions. JD could only have wandered from the facility if the electronic monitoring device was not operational or the nursing staff either did not hear or ignored the alarm when he left the facility. The complaint further alleges that although there were several incidents in which JD was found wandering in and out of the rooms of fellow residents, Lincoln failed to inform JD's family.

Mike Bonamarte explained further allegations against the facility. "After the surgery to repair his broken hip, JD was admitted to the Intensive Care Unit of the hospital where doctors discovered a pressure sore on his coccyx about the size of a silver dollar, and a second sore on his heel. Our complaint alleges that the pressure sores were caused by Lincoln's failure to change JD's clothing and undergarments and allowing him to lie in his own waste for long periods of time. Lincoln's lack of appropriate staffing lead to a failure to assess and treat his pressure sores and develop a plan to prevent new ones from forming."

David and Gina McDaniel expressed their sadness that in only six weeks of residency JD's overall condition and health began to decline as evidenced by a weight loss of 30 pounds while he lived

at the facility.

Steve Levin commented, “After JD’s stay in the hospital, his family admitted him to an alternate nursing home to regain his health. Within a short period time in the new facility, JD began to thrive and he had an improved sense of well-being. He no longer wanted to leave the facility and even reported to staff when other residents tried.”

Mike Bonamarte added, “Unfortunately, the devastating fall that caused JD’s hip fracture weakened his overall health and caused him to suffer multiple infections. JD’s medical condition began to deteriorate. Today JD is living out his remaining days in the care of Hospice. Gina McDaniel laments the fact that “most of JD’s life was taken away from him’ after he suffered the fall at Lincoln.”

Steve Levin concluded, “This tragic event was preventable. Evidence suggests that JD’s outlook improved once he left Lincoln Home. Unfortunately, he has been unable to recover from the fall. Had Lincoln staff provided more support and supervision, JD may not have been so anxious to leave the facility. We strongly encourage all nursing homes to provide proper care and to closely supervise and monitor their residents to protect them from dangers they cannot comprehend.”