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## Bad Behavior Returning to the Nursing Home Business

September 29, 2009. By Brenda Craig

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Chicago, IL: For a while, **nursing home care** was improving. Bad operators in the business were sued into submission or driven out of business by tough legislation. "Unfortunately, conditions for nursing home residents are once again on the decline," says Steve Levin, a well-known lawyer and litigator from the firm of Levin & Perconti.



institutionalized neglect."

"There is an epidemic of nursing homes with untrained, insufficient staff and transient staff," says Levin, whose firm has handled hundreds of cases of nursing home neglect and has obtained record breaking verdicts on behalf of the elderly and their families over the last 20 years. "Profits are being made at the expense of patient care."

"Nursing homes are simply unable to care for residents and nursing homes are knowingly admitting residents they know they can't look after," Levin adds. "Sometimes doctors or lawyers are negligent and make mistakes, but what nursing home operators are doing is

### Dementia Patient Swallows Rubber Glove – Twice

Levin and a colleague from his firm have recently filed suit against the Alden Northmoor Rehabilitation and Care Centre in Chicago on behalf of Mary Clifton, a 77-year-old woman with dementia, known for a propensity to wander and swallow unusual objects.

Clifton has recently been moved to another facility. But while at Alden Northmoor, Clifton not once, but twice swallowed a rubber glove and had to undergo bowel surgery to have the glove removed. "It is shocking that they would allow something like this to happen twice," says Levin. "This is neglect – they failed to develop a care plan to prevent this from happening again."

Levin and his colleague Margaret Battersby have filed suit under the Illinois Nursing Home Act, which says that every resident of a nursing home has the right to be free of neglect.

### "It is a heck of a business"

Although progress was made in the standards of nursing home care, Levin says nursing homes have recently corporately structured themselves so as to be essentially "judgment" proof.

Levin says many nursing homes simply carry no liability insurance or armor themselves with complicated corporate structures to obfuscate ownership. "We have institutions that solicit residents knowing they can't care for them; they don't carry liability insurance and have corporate structures that immunize them from lawsuits," he says, laying out the problems very clearly in his straight talking manner.

Levin and others are currently lobbying for change, asking that the law require nursing homes to carry at least \$1 million in liability insurance.

In the meantime, Levin admits the current situation makes it difficult, but not impossible to collect on behalf of clients. "It makes it more challenging to recover assets," says Levin. "We work very hard to identify the people who are ultimately making the money from the nursing home – somebody is or they wouldn't be doing it."

*Steve Levin is the founder and senior partner at Levin & Perconti in Chicago. He obtained his B.A. at the University of Wisconsin-Madison (1973) and his J.D. from Loyola University Chicago School of Law (1976). Levin and Perconti handle all types of catastrophic personal injury cases as well as mass torts.*

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