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Oct. 30, 2019 CHICAGO – The family of a retired Bolingbrook man who bled to death in a west suburban nursing home has filed suit charging the institution with negligence in the man’s death last year.

The suit filed Tuesday in Cook County Circuit Court charges Aperion Care Forest Park nursing home with neglecting to check on the condition of Jaime Hernandez, 66, after he was admitted following a kidney transplant, according to Margaret Battersby Black, with the Chicago law firm Levin & Perconti.

Mr. Hernandez was found in a pool of blood in the bathroom of his room at the facility at 8200 Roosevelt Rd., Forest Park, the late afternoon of Oct. 25, 2018. The nursing home knew that Mr. Hernandez was at risk for a hemorrhage in his left forearm from a circulatory condition that resulted from a dialysis catheter following his recent kidney transplant, the suit says.

“The doctor’s order required the staff there to check on his left forearm three times daily for any signs or symptoms of infection or abnormality, but the records produced by the nursing home show that this is not documented as done 16 days in a row, or that it was missed over 48 different times,” Battersby Black said. Mr. Hernandez had just returned from a doctor’s appointment that day, and had been recovering at the nursing home since Oct. 8, 2018.

“Standard practice was also to check on residents at least every two hours to ensure their well-being, Battersby Black said. A video of the hallway outside his room showed that there was at least a three-hour period where no staff entered Mr. Hernandez’s room. But when the Forest Park police arrived at the facility, the facility’s staff “lied to the police about the last time they saw our client alive... The police obtained video of the hallway and learned that no one had checked on him for three hours (versus their testimony that they had checked in on him two hours before he was found dead),” said Battersby Black, who represents the family along with attorney Bryan Ruggiero.

Later, still reeling from the death of their loved one, the family returned to the facility to retrieve Mr. Hernandez’s belongings and got a second shock. “When they got there, they found that his iPhone was missing. That evening they were able to track his phone leaving the facility and traveling down the Dan Ryan expressway,” Battersby Black said.

“The administrator (of the nursing home) was interviewed by police and identified (the thief) as a staff member who entered our client’s room after he died and who had not been assigned to him and had no valid reason to enter the room,” Battersby Black said. She said that police checked on the man’s background and found outstanding warrants on the man from Iowa.

“He had active, extraditable warrants for his arrest in Iowa on charges including theft, dependent adult abuse and forgery. This employee never returned to work,” Battersby Black said. She added that Aperion said it had only checked an Illinois database for his criminal background.

Battersby Black said that the Illinois Department of Public Health had been investigating the nursing home in September and was told by nursing assistants on staff that there was

insufficient staff to properly monitor and care for the patients. Black said. Black added that the historical staffing data for this nursing home revealed that staffing was inadequate for the numbers of patients and the severity of their medical conditions.

Moreover, the IDPH cited the facility for failure to properly report the incident of Mr. Hernandez's death, Aperia listed the death as "an unusual occurrence, not an injury (or death),"

The suit was filed on behalf of Mr. Hernandez's widow, Maria Guadalupe Rios Valdez, her daughters, Maria de Lourdes Gutierrez, Marta Patricia Hernandez Rios, Maria del Pilar Loreda, and her sons, Jamie Felix Hernandez, and Jonathan Hernandez Rios. The suit seeking monetary damages cites 17 specific failures of the nursing home to properly care for Mr. Hernandez.

"He was very determined to get better after years of dialysis and then the transplant," said a daughter, Maria Gutierrez. "This was his second chance at life. He told me in Spanish 'I'm going to win,' but he did not get proper care there. He died there —alone—on the bathroom floor."

She added that she had planned to find a new nursing home for her father in two days when she returned from a trip out of town, but her father died before she could make the transfer.

"All of (Mr. Hernandez's) next of kin suffered injuries as a result of (his) death, including loss of companionship, loss of society, grief, sorrow and mental suffering," according to the suit.

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