

Claim Review

Failure to Ensure Safety From Falls

A man who resided in a senior living community died after falling out of a lift sling when a care team member transferred him from his wheelchair to his bed inappropriately and without assistance.

SPECIALTY	ALLEGATION	RESIDENT SAFETY & RISK MANAGEMENT FOCUS
<ul style="list-style-type: none"> Senior living community 	<ul style="list-style-type: none"> Failure to ensure safety from falls 	<ul style="list-style-type: none"> Fall reduction in senior living

Almost half of skilled nursing facility allegations involved high-severity injuries, with

75% of these resulting in death

Facts of case

A 58-year-old man with multiple sclerosis and a history of coccyx pressure injuries lived in a senior living community. Due to his nonambulatory and poor nutritional status, he was assessed as at-risk for skin injuries. His care plan included frequent repositioning by two team members using a lift system when moving him back and forth from his wheelchair to his bed.

One day a care team member attempted to transfer him from the wheelchair to the bed by herself. The man slipped out of the lift sling and fell to the floor. He complained of head and bilateral leg pain. He was transported to the local hospital where a physician diagnosed him with bilateral femur fractures. An orthopedic surgeon performed surgical repair of his

fractures and the man remained in the hospital for a week. His physician then discharged him back to his senior living community where he died four months later.

His family filed a malpractice claim against the senior living community alleging failure to ensure safety from falls, resulting in pain, suffering and untimely death.

Disposition of case

The malpractice case was settled against the senior living community.

Resident safety and risk management perspective

The investigation into this claim revealed that the care team member failed to follow the organization’s resident transfer and lift policy

and the man's care plan by attempting to transfer him without another team member's assistance. She testified that she was unable to find someone to assist her, and the man demanded to be moved from his wheelchair to his bed immediately because his coccyx was painful. It was also discovered during questioning that she failed to correctly attach the sling to the lift. She stated she was doing the best she could to care for the man and felt guilty that he was injured. Shortly after the incident, she left the employment of the senior living community.

The experts who reviewed this claim were critical of the senior living community for failing to properly educate the care team on the fall reduction plan and use of transfer equipment.

Failure to ensure safety from falls and fall-related injuries

An analysis of Constellation professional liability claims involving skilled nursing, assisted living and independent living facilities asserted from 2010 to 2017 reveals that failure to ensure resident safety—primarily falls—was the most frequent and most costly allegation. Almost half of skilled nursing facility allegations involved high-severity injuries, with 75% of these resulting in death. The top injuries preceding death included fractures, arrest, hemorrhage, aspiration and infection.

The contributing factors in these claims involved errors in clinical judgment, failure to follow organizational policies and breakdowns in communication among the care team. It is crucial for team members to know how to apply critical thinking skills to resident care situations, and to understand the rationale behind the organization's resident safety policies. Investing time and resources to develop care team members' critical thinking skills and to educate them creates a stronger team and can improve resident outcomes, while reducing resident injury and preventing malpractice claims.

Questions for senior leaders

- Does your organization provide care teams with education and training on your fall reduction program and how to use transfer equipment?
- Does your organization perform a comprehensive investigation and root cause analysis of every resident fall, including those without injury?
- Do you provide emotional support for care team members involved in an adverse event so they can continue to be a focused and productive member of your team?

Supporting clinicians and team members involved in adverse events

An adverse event and malpractice claim can have a significant impact on clinicians, care team members and the organization. Providing support and resources for team members involved in an adverse event can help them remain a focused and productive member of the care team. With current senior living staffing shortages, it is paramount that team members be supported in order to learn and grow from adverse events; that is the cornerstone of a safe, performance-improvement oriented culture.

Constellation's HEALSM program provides resources and support for clinicians and care team members involved in adverse events or claims, including:

- ✓ Information on what to expect in the malpractice claim and litigation process
- ✓ Clinician Peer Support Program to address the emotional impact of an adverse event
- ✓ Resources and coaching on how to communicate and apologize to residents and families following an adverse event
- ✓ Help to create your own internal peer support team
- ✓ How to investigate an adverse event to identify causal and contributing factors and implement safer

care processes

- ✓ Education on creating a learning culture so that the experience of an adverse event can be used to improve performance

(See page 2 in this issue to learn more about HEAL, a Constellation program that equips health care teams to act promptly and effectively after patient harm events to achieve meaningful resolution.)

Resources

Find resources to reduce falls and fall-related injuries, as well as information on how to support residents, families and team members after an adverse event on the MMIC and UMIA websites by navigating as follows: MMICGroup.com or UMIA.com > Sign In > Risk Resources > Bundled Solutions > Long-term Care and Risk Resources > Bundled Solutions > Apology and Communication

Watch our webinars, including "[Preventing and Reducing Falls](#)" and "[Surviving a Claim: Finding Support and Preventing Adverse Outcomes](#)"

LORI ATKINSON, RN, BSN,
CPHRM, CPPS

Content Manager and Patient
Safety Expert

Constellation

Lori.Atkinson@

ConstellationMutual.com



This article originally appeared in the Summer 2020 issue of *Common Factors*,SM published online twice each year by Constellation. Together with member companies MMIC, UMIA and Arkansas Mutual, Constellation is a growing portfolio of medical professional liability (MPL) insurance companies offering innovative products and services that reduce risk and support care teams. For more articles, providing health care leaders and professionals with data-driven insights and solutions, plus malpractice claims analysis and more on the latest health care topics, visit ConstellationMutual.com