

Book Review: Nursing Home Litigation: Investigation and Case Preparation

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BOOKSHELF

Nursing Home Litigation: Investigation and Case Preparation

By Jane M.R. Mulcahy

Nursing Home Litigation: Investigation and Case Preparation, edited by Patricia W. Iyer (Lawyers and Judges Publishing Co., Inc. 1999)

When the nursing home regulatory system fails, private tort litigation is often the only option to achieve justice for the abused or neglected nursing home resident. The nursing home litigation arena is made up of plaintiff attorneys, defense attorneys, and clinicians with knowledge of nursing home standards of care. This issue of *Elder's Advisor* offers these players with valuable resources from experts in this area of litigation. For more in depth discussion of this topic, *Nursing Home Litigation* is highly recommended.

This book first presents foundational material on nursing home litigation, such as, background, regulation, and demographics. It also takes you inside the nursing home and explains its structure and levels of nursing care. The actual nursing process

is explained with an inside perspective from a registered nurse.

From there, the book shifts its focus to the areas where liability may arise in the nursing home setting. Again, the reader is given the advantage of inside information from clinicians in the field. Essays authored by physicians and clinicians discuss liability issues that physicians, nursing home administrators, and nurses may encounter. For instance, liability for falls and restraints, as well as the administration of prescription medications in the nursing home, are explored.

Next, *Nursing Home Litigation* instructs the litigator on case preparation. A step-by-step discussion on how to screen the nursing home case is provided, together with practice tips and criteria for accepting or rejecting a case. The book then lays out for the reader the beginnings of the litigation process, from the investigation of the case, including common theories of nursing home cases, to the admissibility of evidence. In addition, there is information available for the defense team. This book provides the nursing

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home defense attorney with tools to prepare the defense's case, to formulate a defense strategy, as well as pointers on selecting a jury and other courtroom strategies.

A chapter is also included on the topic of investigating and litigating nursing home billing fraud. Again, comprehensive practice tips are offered for the litigator.

Finally, *Nursing Home Litigation* discusses the role of the all-important legal nurse consultant. This litigation team member is essential to any attorney without a medical background. The legal nurse consultant translates the language of the nursing home into a language that the attorney can understand. This chapter gives concrete examples of how the

consultant can help the litigator make her case.

Nursing Home Litigation is a one-stop shop for the attorney looking for a tool to prepare for a nursing home case. It offers a comprehensive look at the areas of nursing home litigation, offers the attorney step-by-step analysis of the litigation process, and gives the attorney useful practice tips.

Elder's Advisor

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