

Jurors Demand Better Nursing Home Care

Warning to nursing home operators: Just because your clients are old and infirm doesn't mean you can discount what their lives are worth. Or let them hemorrhage to death in a soiled, bloody bed while you amass \$2.3 billion in assets.

Barbara Barber was 78 and in poor health before she died. She spent her final days at ManorCare Camino Vista with a staff aware of her internal bleeding. On Thursday, an Albuquerque jury decided the latter outweighed the former and awarded her family \$54 million — the state's largest personal injury verdict ever.

That's a strong message from a public that isn't getting any younger, that's more likely to have a loved one in a nursing home, that's more likely to end up in one themselves.

Barber's daughter, Lori Keith, took on "one of the largest corporations in the country ... so she could show the public what happened to her mother and in so doing save the lives of others," said Carl Bettinger, one of her attorneys.

In addition to ignoring Barber's bleeding while she was alive, ManorCare replaced her bedding when she died, "ransacked" her room, shoved her belongings into cardboard boxes and posed her on clean linens before relatives arrived. While the image of her in a pristine bed with arms crossed over her chest was likely meant to present a peaceful picture, it covered up a troubling one of neglectful care.

ManorCare avoided the usual protocol and didn't give the soiled linens to the medical examiner; staff mis-charted her records to show an insulin injection 2½ hours after her death; the company expert claimed she died of a heart attack despite the medical examiner's determination of a gastrointestinal hemorrhage; the state cited ManorCare for neglect in connection with the death.

Undoubtedly, the \$50 million in punitive damages will be called outrageous, and ManorCare will challenge it and perhaps get it reduced.

But the corporation, which left New Mexico in 2005, had \$2.3 billion in assets last year. This jury award, just over 2 percent of that, won't cause the company's bottom line to hemorrhage.

Not like Barbara Barber did.