



Securing a Nursing Home's Reputation in the Face of Lawsuit Onslaught



BACKGROUND

Just like thousands of skilled nursing providers in the United States, a nursing home in the Midwest had worked hard every day to provide dignified care that serves the needs and enhances the quality of life of its residents.

The center had no skeletons in its closet and no serious quality issues. In addition, it had never been targeted by the CMS Special Focus Facility initiative, nor had it incurred any major judgments against it.

CHALLENGE

The staff worked in accordance with the center's mission of continually providing quality care, day in and day out. But then an avalanche hit. One day, the center learned that a notorious plaintiff firm had erected a billboard in their immediate vicinity. On it, the firm sounded a clarion call for the families of any residents who had died at the center to contact them about bringing suit against the center for wrongful death. Soon, medical record requests started coming into the center, and the game was on.

The plaintiff firm was successful in reeling in about 15 cases. On a Tuesday afternoon, the center and its defense team were notified of the intent to bring suit on behalf of each of the 15 families. Medical records had been gathered by the plaintiff firm, and a meeting was called to discuss the center's liability. That meeting was to take place the following Monday.

Making matters worse, the plaintiff firm had not disclosed the allegations or complaints to the center, which meant the defense had no idea what to expect. This strategy was clearly intended to overwhelm the defense with thousands of pages of patient records and no clear direction as to the allegations involved.

The strategy had a clear purpose: if the defense couldn't adequately assess the records before the meeting—and it was a fair bet on the plaintiff's part that they wouldn't be able to do so—they could choose to settle quickly, in order to avoid a lengthy and costly spate of litigation. However, the center was confident in the care they had provided and they had no intention of giving in to a high-pressure tactic designed to garner a quick payout.

SOLUTION

The nursing home and its defense team sought a way to respond, even in spite of the impossible timeframe. They had three realistic choices:

1. Admit they had no way to review the avalanche of records in a week and provide a quick payout;
2. Allow the cases to go through the litigation process, where they could end up paying a substantial amount in legal fees and judgments; or
3. Find a way to evaluate the merit of each individual case and form a strategic response within the week they were allotted.

The defense chose the third option, but knew they couldn't do it alone. Enter Excelas and its team of medical legal analysts. Excelas was charged with the tasks of organizing and reviewing each case, which entailed providing an assessment of the standard of care each resident received, identifying any areas of potential liability, and presenting all the objective facts—pro and con—for each case. Of infection the resident experienced.

The defense was able to return to the courtroom in the morning, with all the information they needed to answer the new allegations.

RESULTS

Spread across an entire team of professionals, even the review of nearly 100,000 pages of records is easily accomplished when given proper priority and dedicated attention. The following Monday, as requested, the defense and the center's representatives walked into the meeting with the plaintiff firm armed with a thorough understanding of each resident's story and a solid response for every allegation made during the meeting.

The defense was able to take the wind from the plaintiff's sails, saving immeasurable time and cost for the center and maintaining its positive reputation.



The next time you're hit with a challenge that seems insurmountable, give Excelas a call. If it involves medical records and analysis, we've got you covered.