

PADWA LAW
Civil Justice Attorney

Jeffrey M. Padwa
303 Jefferson Blvd.
Warwick, RI 02888

(401) 921-4800
jeffrey@padwalaw.com
www.padwalaw.com

**Experienced in Representing Persons
Abused, Neglected & Mistreated in Nursing Homes**

NURSING HOME LITIGATION NEWSLETTER
WINTER 2008

C-DIFFICILE: A SERIOUS PROBLEM

The increase in Clostridium difficile (“C-diff.”) infections is a highly alarming trend in nursing homes and hospitals. The number of patients discharged from hospitals with C-diff. increased from approximately 86,000 patients in 1993 to more than 300,000 patients by 2005. Deaths from C-diff. doubled during the same time period.

According to a November 2008 report from the Association for Professionals in Infection Control and Epidemiology (APIC), it is estimated that every day C-diff. infections cost between \$17.6 million and \$51.5 million and kill between 165 and 438 patients in our country.

What is C-diff.?

C-diff. is bacteria found normally in the colon of both healthy and ill people. Bacteria help break down and digest food and are an important part of our health.

How does a person get C-diff.?

When patients undergo antibiotic therapy, beneficial bacteria in the colon are killed off, but C-diff. survives and multiplies. The bacteria release toxins that cause inflammation and damage the lining of the colon leading to diarrhea.

Elderly patients are at higher risk for becoming infected since their immune response to the bacteria and its toxins is diminished.

C-diff. bacteria is released into the nursing home environment in feces. It is found on surfaces throughout nursing homes and hospitals and can be spread to patients through hand contact. In one

COMMON NURSING HOME INJURIES

Falls and Fractures - Falls result in fractures, head injuries, and may cause death.

Decubitus Ulcers - Pressure sores are preventable and should not occur.

Severe Dehydration and Malnutrition - Many elderly require assistance with eating or drinking.

Choking & Suffocation – deaths occur when staff do not to follow care plans for residents who are at risk for choking.

Medication Errors - Medication errors result in injuries and death.

Restraint Injuries - Elderly can strangulate on restraints.

Wandering & Elopement – Unsupervised residents can wander away and suffer injuries or death.

Sexual Assault & Physical Abuse – Background checks are required to be conducted on employees.

study, C. diff. was found on the hands of nearly 60% of doctors and nurses caring for infected patients.

Symptoms

When C-diff. takes over, it creates two types of toxins that affect the body and cause symptoms. Early symptoms include diarrhea, abdominal pain and fever. Later stage symptoms include weakness, dehydration, nausea, and vomiting. Advanced stage symptoms involve blood in the stool.

C-diff. continued

Diagnosis

Lab testing a stool sample is the gold standard for diagnosing C-diff. Results are usually available in 24 to 48 hours. C-diff. toxins are unstable and degrade at room temperature. False-negative results occur when stool samples are not promptly tested and/or are not kept refrigerated until testing can be done.

Treatment

Treatment regimens for C-diff. call for stopping all non-essential antibiotics and taking Flagyl (metronidazole). It may take 4 to 6 days for the diarrhea to completely resolve once a course of Flagyl is started. If there is no significant improvement in 4 days, Vancomycin is commonly prescribed.

Prevention

Studies show that nursing homes and hospitals that make an active effort to reduce C-diff. infections can achieve strong results. Staff education, improved environmental cleaning, improved isolation of infected patients and more cautious use of antibiotics have all proven to be effective in significantly reducing the rate of C-diff.

Public Health & Reporting

In June 2008, the Centers for Medicare and Medicaid Services (CMS) proposed to include C-diff. infections on the list of preventable hospital acquired conditions for which Medicare will not compensate hospitals for additional costs of treatment. The goal was to create a financial incentive for hospitals to reduce C-diff. infection rates. CMS ultimately decided not to put C-diff. infections on the list, but indicated it might consider doing so in the future.

C. diff is not on the list of diseases that the CDC requires must be reported nationally, but some states are passing legislation to require reporting. Mandatory disclosure of C-diff. infection rates will

allow consumers to see which nursing homes and hospitals offer better quality care and will motivate nursing homes and hospitals to improve their infection control practices.

In 2008, the RI Legislature enacted two laws that require public reporting of infection rates in RI hospitals.

CASE REPORT

Wrongful Death: C-diff. East Providence, RI

Nursing Home Ignores Physician's Order

- Orchard View Manor Nursing Home chose to ignore a physician's order to "check for C-diff."
- Staff was aware that resident completed a course of antibiotics for a urinary tract infection and was having "multiple loose stools."
- Six (6) days after the physician's order was entered, the staff transferred resident to hospital with confusion, weakness and dehydration.
- Emergency Room doctors prescribed Flagyl for "presumed C-diff." and ordered lab tests which confirmed the diagnosis.
- Resident died three (3) days later.
- Cause of death was listed as "untreated C-diff. infection."

NEWS

- Jeffrey Padwa is the Treasurer of the Jewish Seniors Agency of Rhode Island. He serves also on the Board of Governors the American Association of Justice, and the Rhode Island Association of Justice.
- Padwa gives presentations to groups on Legal, Health & Long Term Care issues facing seniors and their caregivers.
- The PADWA LAW website (www.padwalaw.com) is devoted to nursing home litigation issues.
- Broadcast journalist Pat Mastors launched recently a website (www.infectiondefense.com) dedicated to helping consumers protect themselves and their families from C-diff. and other infections. Pat developed The Empowered Patient™ Infection Defense Kit which includes tools and information for preventing these infections.