

---

**NURSING  
HOME ABUSE  
IN NEW MEXICO**

---

**WHAT YOU NEED  
TO KNOW**



[WWW.2KELLER.COM](http://WWW.2KELLER.COM)

## CONTENTS

|  |    |
|--|----|
| Introduction.....                                      | 2  |
| Nursing Homes in New Mexico.....                       | 4  |
| Choosing the Best Nursing Home for Your Loved One..... | 5  |
| Types of Nursing Home Injuries.....                    | 7  |
| Bedsores.....  | 9  |
| Falls and Breaks.....                                  | 11 |
| Medication Error.....                                  | 14 |
| Nursing Home Neglect.....                              | 16 |
| Nursing Home Abuse.....                                | 18 |
| Wrongful Death.....                                    | 21 |
| Why Most Nursing Home Injuries Are Unreported.....     | 22 |
| Legal Rights of Nursing Home Residents.....            | 23 |
| Reporting Nursing Home Neglect and Abuse.....          | 24 |
| When Do I Need an Attorney?.....                       | 27 |
| Questions to Ask When Hiring an Attorney.....          | 29 |

**You have a big decision to make.** Moving a loved one into a nursing home is never easy. The process of finding a facility that not only provides the best care and is also affordable can be overwhelming. Instances of abuse and neglect can be found across the United States, but New Mexico has some of the worst.



## Introduction

Putting a parent or loved one into a nursing home is one of the most difficult tasks you may ever encounter. When this decision is made, it often means that you are no longer capable of taking care of your loved one on your own. Usually they need much more care than you can provide. Taking someone whom you not only love, but whom you look up to—someone who probably took care of you for most of your life—and putting them in the hands of a nursing home is terrifying and is not an easy decision. By doing this, you are trusting the home and the staff to treat your loved one the way that you would—to care for them diligently, appropriately, and at the very minimum, meet the standard of care.

Nursing home residents are far more likely than non-institutionalized older people to have multiple chronic medication conditions, functional impairment, and cognitive deficits. Nearly all nursing home residents require extensive assistance with the tasks of daily living (bed mobility, transferring, eating, dressing and toileting). Additionally, the nursing home setting is one in which there is very little physician involvement. Because of these factors, the nursing home environment is one of the most complicated and challenging clinical settings in medicine and place patients in these settings at risk of injury.

Unfortunately, nursing homes are often understaffed and poorly managed which can lead to instances of abuse and neglect. These problems are present in New Mexico. Part of the

problem is that the aging population of individuals who are in nursing home facilities are one of the most vulnerable demographics in the country.

In this book, we will focus on three important topics to consider when making this important decision.

1. Finding the right nursing home for your loved one.
2. How to identify signs of neglect and abuse.
3. When to call an attorney.

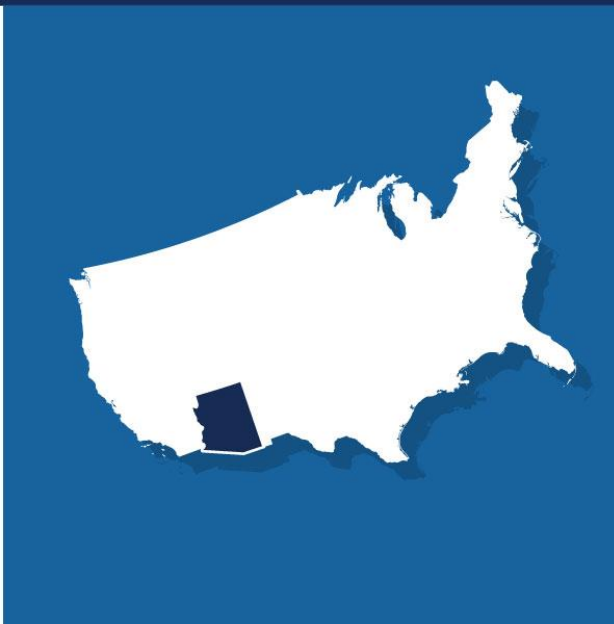
**Nursing Home Statistic:** An estimated 5,000,000 people are affected by elder abuse every single year. Elder abuse can be physical, emotional, sexual, or financial, and is not always obvious.

## Nursing Homes in New Mexico

On any given day, the 15,000+ nursing homes in the United States are providing care for nearly 1.4 million people. According to medical journal, *JAMA Internal Medicine*, one of every 10 Americans over the age of 85 is a nursing home resident and nearly one third of Americans spend time in a nursing home in their final months of life.

### NURSING HOMES IN NEW MEXICO

- According to U.S News & World Report, there are 74 nursing homes in the state of New Mexico
- Of these 74 homes, 36 of them have been reported for deficiencies between 2015 and April 2018
- The average cost of care for skilled nursing in New Mexico is \$6,220 which is slightly below the U.S. average
- As of 2016, there were 5,749 nursing home residents in the state of New Mexico
- Nursing homes in New Mexico have been fined \$2.42 million between 2015 and April 2018 and have had Medicare and Medicaid payments suspended 44 times during the same time frame for compliance issues



#### Services Offered at Nursing Homes Usually Fall Into Two Categories:



**Post-Acute Care:** This type of facility provides rehabilitation services following a hospitalization, surgery, heart attack, stroke, injury, or other condition. Often times, this care is short-term with the goal of revering the patient so they are able to return home.



**Long-Term Care:** This type of facility cares for individuals who can no longer perform everyday tasks and cannot live independently. Most of the time these patients suffer from chronic illness, injury, disability, cognitive impairment—or due to their age—are unable to live alone.

## Making the Right Choice:

### How to Find the Best Nursing Home for Your Loved One

Choosing the best nursing home for your loved one is a very important decision because it will establish the quality of life your loved one has until their final days. With most metropolitan areas having several options to choose from, you have to do your research to make an informed decision.

## #1 Rule for Making an Informed Decision: Schedule an on-site Visit!

Don't rely on the nursing home website for your information. The only way to really know what conditions your loved one will experience is to do the legwork and physically go to the facility. Ask questions. Observe. Talk to residents if they're willing.

### 7 Factors to Consider



**Location:** Not only is it important to keep your loved one as close to family as possible, but proximity to hospitals and doctors is also very important.



**Size & Facilities:** How large is the campus? Are there adequate quiet areas and activity spaces? Is there both indoor and outdoor space? The availability of social and recreational activities is also important.



**Staffing:** Ask management about staff-to-patient ratio and staff counts on all shifts, especially night and weekend shifts. It is also important to ask about required training and continuing education.



**Services:** Know how many meals are provided each day and if staff provides assistance with eating and drinking when necessary. Does the staff expect the resident to be able to dress, bathe, and perform hygiene functions on their own or do they provide assistance with these tasks? Is there special care provided for dementia patients?



**Cleanliness:** Sanitation within nursing homes is incredibly important because the residents are more susceptible to disease and infection than the general population. Both the cleanliness of the facility and hygiene of the residents is important to observe.



**Cost:** What kind of insurance does the facility accept? If a resident comes in as private pay and then runs out of funds, will the facility then accept insurance?



**Reviews:** Read online and consumer reviews. Also read reports and studies conducted by reputable entities like the CDC, Medicare and state health departments.

## Types of Nursing Home Injuries

**Nursing Home Statistic:** Nursing home abuse can be physical, sexual, emotional, or financial. According to the National Center for Victims of Crime, 5% to 10% of self-reported elder abuse is physical, 60% is verbal, and 14% is neglectful.

The most common forms of nursing home neglect and abuse include the following:

### 1. Bedsores

*Approximately 10% of nursing home patients will develop a bedsore during their admission.*

Bedsores, also referred to as pressures sores, pressures ulcers, and decubitus ulcers are some of the most preventable injuries that can result from nursing home neglect and abuse. Bedsores develop as a result of prolonged pressure on the skin. (Continued on pg. 9)

### 2. Falls & Breaks

Many of the patients living in nursing homes are at a fall risk. Without proper assessments and protections in place, tragic falls can happen resulting in broken limbs, head injury, severe bruising, and even death. (Continued on pg. 11)

### 3. Medication Error

Understaffing and poor training can lead to medication error which is a common problem in nursing homes. All facilities must maintain a nursing home medication error rate below 5 percent. This error rate is monitored by state inspectors. (Continued on pg. 14)

#### **4. Nursing Home Neglect (malnutrition, dehydration, poor hygiene care)**

Instances of nursing home neglect can include malnutrition, dehydration and hygiene issues all of which can lead to more serious injuries and even death. (Continued on pg. 16)

#### **5. Nursing Home Abuse (physical, sexual, emotional, financial)**

Nursing home abuse involves the abuse of an elderly individual in a way that is physical, sexual, emotional or financial. Knowing what signs to look for is very important. (Continued on pg. 18)

#### **6. Wrongful Death**

Unfortunately, nursing home neglect, abuse and injury can lead to the untimely death of a patient. Nursing home lawyers can help you take action against the responsible nursing home. (Continued on pg. 21)

# BEDSORES



**Approximately 10% of nursing home patients will develop a bed sore during their admission.**

Bedsores are ulcers that appear on areas of skin that are under pressure from prolonged periods of lying in a bed, sitting in a wheelchair or wearing a cast.

Also referred to as pressure sores, pressure ulcers, and decubitus ulcers.

Not only are bedsores one of the most commonly reported nursing home injuries, but

they are also one of the most preventable. People most at risk for developing bedsores are those with a condition that limits their ability to change positions. The most common areas for bedsores to develop are on the heels, ankles, hips and tailbones.

## **Bedsores are preventable**

Don't let someone tell you that bedsores are expected or unpreventable in the nursing home setting. **Bedsores are not acceptable and not normal.** Bedsores can develop very quickly. A bed sore develops when the blood supply to the skin is cut off for more than 2 to 3 hours. As the skin dies, the area becomes red and painful. If left untreated, the skin can break open and become infected. Some bedsores become so deep that they extend to the muscle and bone.

It is recommended that immobile patients have their position changed with the help of nursing staff at least once every two hours. Bedsores are also prevented by keeping skin clean and dry and by using pillows and products to relieve pressure. Bedsores are directly related to the quality of care a patient receives. People with diabetes, circulation problems and poor nutrition are at an even higher risk for developing bedsores.

## **The most common causes of bedsores are the following:**

- Allowing patient to sit or lay in the same position for long periods of time
- Nurses or other staff not checking patients for signs of bedsores

- Nurses or other staff not notifying doctors or family when they notice symptoms of bedsores, thus leaving the patient untreated
- Not changing wet bed sheets or adult diapers, leaving the patients skin saturated and susceptible to sores
- Malnutrition and/or dehydration

### How to Recognize a Bedsore: 4 Stages

Warning signs of bedsores or pressure sores include unusual changes in skin color or texture, swelling, pus-like draining, an area of skin that feels cooler or warmer than other areas, and painful, tender areas of skin. Bedsores fall into different stages based on the depth and severity of the sore.

- **Stage 1.** Considered to be the mildest stage. Stage 1 ulcers may be painful but do not result in broken skin. The area may look red and feel warm to the touch. If the patient has darker skin, the ulcer may appear blue or purple. The patient may complain of burning, itching and/or pain.
- **Stage 2.** A nursing home patient suffering from a Stage 2 bedsore will have an open wound. However, these wounds are typically not very deep and may be confused for a scrape or blister. Can be extremely painful and if not properly identified and treated, the condition could lead to permanent skin damage.
- **Stage 3.** During this stage a bedsore can cause the patient to suffer from an open wound that affects the tissues beneath the skin (epidermis) resulting in a small crater. The seriousness of a Stage 3 sore can cause the wound to reach deep enough to reveal fat cells beneath the patient's skin, but the sore will not reveal muscle and/or bone.
- **Stage 4.** These are the most serious bedsore type. At this point, the area is severely damaged and there is a deep-reaching crater affecting the muscles, tendons, bones and joints.

### Treatment of Bedsores

Bedsores can be difficult to treat and heal slowly. If you recognize a bedsore, even at Stage 1, it is important that medical staff is notified immediately so that the proper treatment can be put into place. Treatment is more difficult once the skin is broken and may include skin grafts and wound therapy.

**Bedsores indicate a sign of potential neglect inside the nursing home. The nursing home staff should be notified immediately and you should consult an experienced New Mexico nursing home abuse attorney.**

# FALLS AND BREAKS



According to the CDC there are 2.6 falls per nursing home patient per year. Roughly 35% of elderly fall injuries happen to patients who cannot walk and 10% to 20% of nursing home falls result in serious injury.

On the first day of admission the nursing home staff should complete a thorough fall risk assessment so that they can

implement strategies to mitigate any identified risks. Fall prevention is an essential element of quality nursing home care. In long-term and acute-care settings, fall risk assessment is required upon admission, transfer to a new unit, after a change in the patient's condition and after a fall.

Unfortunately, due to understaffing and poor training, fall strategies are not always followed.

## Fall Risk Assessment

There are many different types of fall risk assessment instruments. Typically, these tools use a scoring system to measure the cumulative effect of a patient's known risk factors. A thorough multifactorial risk assessment is essential, but on the most basic level, facilities should screen for the following risk factors:

- History of fall (specifically within the last year)
- Orthostatic hypotension
- Impaired mobility or gait
- Altered mental status
- Incontinence
- Medications associated with falls such as sedatives and blood pressure drugs
- Use of assistive devices including canes and walkers

## Fall Prevention

In order to mitigate fall risk in patients, the nursing home must take preventative measures specific to each patient but also should make sure the facility itself is safe. One of the easiest ways to prevent falls is to make sure that patients are equipped with proper safety equipment such as wheelchairs, walkers, bed rails and proper footwear. Though it may be very difficult, nursing home staff must also try to ensure that at-risk patients do not attempt to move without assistance. Environmental factors within the nursing home can also cause hazards. Nursing home negligence can include dim lighting, wet or slippery floors, failure to provide handrails in hallways or bathrooms and failure to provide safety equipment in patient rooms.

# NURSING HOME FALL STATISTICS

- Between 50% and 75% of elderly patients suffer from a nursing home fall each year.
- Between 16% and 27% of nursing home falls are a result of environmental hazards including poor lighting or slipper floors within the nursing home.
- The CDC estimates that each nursing home patient falls 2.6 times per year.
- 35% of elderly fall injuries happen to patients who cannot walk.
- 10% to 20% of nursing home falls result in serious injury.
- *Approximately 1,800 elderly patients die each year as a result of nursing home falls.*



## **Injuries Resulting From Falls**

Falls result in disability, functional decline, reduced quality of life and even death.

**Approximately 1800 nursing home residents die from falls each year.** Injuries resulting from falls can range from minor bruising to death. Often, patients in nursing homes are already very frail. Because of this, a fall that may not seriously injure a healthy adult could cause devastating injuries to an elderly patient. A break or fracture will take longer to heal and sometimes their bodies are not strong enough to fully recover. Falls can result in traumatic brain injuries, spinal cord fractures, and dislocation.

## **Many Nursing Home Falls Go Unreported**

Unfortunately, many nursing home falls go unreported, so family members may never learn of a fall. The average nursing home resident is involved in at least two to three falls per year. If you see bruising or other injuries that may indicate a fall, be sure to ask staff what happened, ask for a report to be made and demand answers and solutions so that it doesn't happen again. If the fall resulted in serious injury, it is wise to contact an experience nursing home abuse attorney.

# MEDICATION ERRORS



Medication errors are mistakes that occur while preparing or administering medicine that contradict the doctor's orders, the manufacturer's instructions, or the accepted professional standards regarding that medication. Medication error rates are monitored by state inspectors and all facilities must maintain a medication error rate below 5 percent. While state monitoring may sound reassuring, medication errors are

considered common place in nursing homes and often go unreported.

## Medication Administration

Medication is administered to patients multiple times during the day. In most nursing homes, a nursing staff member organizes the medication, completes necessary documentation and then goes from resident to resident to distribute the medicine. Accurately administering medication means giving the right medicine at the right time to the right patient and documenting it thoroughly.

## Common Medication Errors

There are many types of medication error that can occur in nursing homes. The most common include:

- **Cutting or splitting medication that should not be cut.** Many tablets or capsules have instructions to not cut or crush.
- **Providing inadequate liquids with medication.** Medications give specific instructions about how much liquid should be given with a medication. If the patient isn't given the right amount of liquid, they could become dehydrated and the medication could cause harm.

- **Not giving medication with food.** Some medications are instructed to be given with food or require antacids before ingestion.
- **Failing to properly prepare medication.** Many medications require mixing or shaking before ingestion.
- **Administering from an outdated medication order.** It is important the each patient's medication orders are kept up to date.
- **Mixing up a patient's medication with that of another patient.** This can happen when facilities are understaffed and staff members feel overwhelmed or overworked.

### Questions to Ask the Facility About Medication Management

When choosing the best facility for your loved one, you should ask the following questions about the administration of medication.

1. Are residents allowed to self-administer prescriptions?
2. Does the administering staff watch the patient take the medication to ensure that it is taken properly?
3. Is a nurse in charge of administering medication? If not, who oversees medication administration and what is their training?
4. If a doctor is not available daily, who detects and responds to adverse drug reactions?
5. What is the protocol if a drug reaction occurs?

### Recognizing and Reporting a Problem

Detecting medication errors can be difficult and often times the problem is not identified until the problem has been occurring for a long period of time. It is important to regularly check your loved one's medication orders to make sure they are up to date and then be present for medication administration to make sure orders are followed. If you see something that isn't right, make sure you report it to the staff. If you feel that a loved one has been injured by medication error, you should consider reaching out to a Nursing Home Abuse Attorney.

# NURSING HOME NEGLECT

Nursing home neglect is a general term used to define negligence on the part of the caregiver involving failure to provide a person with the care or services necessary to ensure freedom from harm or pain or a failure to react to a potentially dangerous situation. Nursing home negligence is not necessarily intentional but is instead a result of poor management, understaffing, and/or improper training.

## Types of Nursing Home Neglect



**Neglect of basic needs:** This type of negligence occurs when the facility fails to provide the resident with the appropriate amount of water or food or fails to provide a clean and safe environment for residents. Malnutrition and dehydration can lead to severe medical problems including low blood pressure, delirium, seizures, brain swelling, kidney failure and coma. ***Statistics show that between 1999 and 2002, a combination of dehydration and malnutrition lead to the death of 1,400 nursing home residents.***



**Neglect of personal hygiene:** It is considered negligent when nursing home residents do not have proper assistance with bathing, brushing their teeth, cleaning, changing clothes, changing diapers, or laundering. Residents of nursing facilities are already in poor health and their immune systems cannot handle the onslaught of germs that can result from poor hygiene.



**Social or emotional neglect:** This type of neglect occurs when staff members repeatedly ignore a resident, leave them unattended for prolonged periods of time, or fail to have them engage in social interaction. Human interaction is important for everyone regardless of age or mental status. Leaving a resident alone can lead to serious depression.

### Warning Signs of Neglect

Unless the resident is able to tell their loved ones about the neglect they are experiencing, the neglect can be difficult to identify especially because warning signs can be subtle. Depending on the type of neglect, there may not even be any physical evidence. It is important to watch for sudden weight loss, withdrawn behavioral, alterations in appearance or hygiene, changes in demeanor toward nursing staff, or depression.



**Nursing Home Statistic:** A study of 2,000 nursing facility residents indicated an abuse rate of 44% and a neglect rate of 95%.

# NURSING HOME ABUSE

Nursing home abuse is defined as the intentional infliction of harm on the part of the caregiver that results in a physical or mental injury or inflicts pain and disability on the resident. The thought of someone intentionally inflicting harm on an elderly patient can be a shocking realization and there is no excuse for it.

***There are federal and state laws in place to protect nursing home residents, but nursing home abuse is still prevalent. However, only about 1 of every 14 incidents of elder abuse in domestic settings actually come to the attention of state authorities.***



## There are 4 main types of nursing home abuse:

### Physical Abuse

Physical abuse involves the physical violence or force against the resident that results in physical pain, injury or bodily harm. Some forms of physical abuse may involve assault, battery, hitting, punching, shoving or using restraints inappropriately.

### Mental and Emotional Abuse

Emotional abuse of the elderly is defined as verbal or nonverbal behavior that results in the infliction of anguish, mental pain, fear or distress. Forms of emotional abuse include humiliation, threats, isolation, or exerting control.

### Sexual Abuse

Sexual abuse involves forced or unwanted sexual interaction of any kind including assault, rape, groping, coerced nude photography, sodomy and more. Unfortunately, most sexual abuse goes unreported, but a survey conducted by the US National Library of Medicine and the National Institutes of Health reported 1 in 10 respondents had been sexually abused within a facility within the year of the study – this number is frighteningly high. However, under 1% of those abused reported it.

### Financial Abuse

Financial abuse is defined as the illegal, unauthorized, or improper use of an older individual's resources by a caregiver for the benefit of someone other than the individual. Financial abuse can include depriving the person of access to, information about, or use of their financial resources, benefits, belongings or assets. Examples can include forgery, theft, use of deception or coercion to surrender finances, or improper use of guardianship or power of attorney.

## Warning Signs

Because residents of nursing homes are usually lacking in their physical and/or mental faculties, there are multiple opportunities for caregivers to take advantage of them. It may also be difficult for the resident to articulate what they are going through and because of suspected mental deterioration family members, supervisors or other loved ones may not take them seriously.

General signs of abuse include ***changes in behavior and personality, sudden tension or ill feelings toward the caregiver, and unexplained physical symptoms.*** It is important to be on

high alert and to listen to your loved one – if there are any sudden or unexplained changes make sure that you press with more questions.

## **Causes**

Elder abuse can take place in any nursing facility regardless of the cost of care. There are many causes that can lead to abuse. Though there is no excuse for nursing home abuse, the most common causes are the following:

- **Understaffing:** The most common cause of elder abuse is understaffing. Because understaffed facilities spread their nurses and CNAs out very thin, the residents aren't getting the time and care they need and deserve and the staff is often frustrated or exhausted.
- **Caregiver Stress and Exhaustion:** Caring for the elderly isn't easy and requires a lot of time and patience. Caregivers lacking the proper resources and training are more likely to become frustrated and sometimes resentful.

# WRONGFUL DEATH

Wrongful death is used to describe situations where a person died as a result of the behavior or conduct of another agency or individual. Unfortunately, instances of nursing home neglect and abuse often result in the wrongful death of the resident. When someone dies as a result of the nursing home neglect or abuse, that residents survivors can bring a wrongful death action against the facility or caregiver with the help of an experienced attorney.

## **What Can Be Recovered in a Wrongful Death Suit?**

Each state has its own Wrongful Death statute that specifies the amount of damages that may be awarded to family members after the death of a loved one. This compensation can be used to pay for outstanding medical bills, funeral expenses, and in some cases economic damages or damages for loss of love and companionship may also be available. It is important that you speak with an attorney about what compensation may be available.

## **What Needs to be Proven?**

Hiring a qualified and experienced attorney is incredibly important when filing a wrongful death lawsuit because it will be up to your lawyer to prove the case in court. Proving the case involves showing that the defendant's conduct was responsible for the death of your loved one. The lawyer will have to prove that the nursing home facility was negligent and therefore proximately caused the wrongful death resulting in damages.

***Studies attribute at least 5,000 deaths a year to nursing home abuse and neglect.***

The most common causes of death in nursing home include ***bed sores, dehydration & malnourishment, falls, and improper medical care.***

## Why Most Nursing Home Injuries Are Never Reported or Discovered

As we have discussed throughout this book, statistics show that instances of nursing home abuse and neglect are severely underreported even though research suggests that the prevalence is very high. It is estimated that as many as 5,000,000 elders are abused each year but only 1 in 14 incidents is reported. The most common reasons for the discrepancy between incidents of abuse and those reported are as follows:

- 1. Residents don't know they are victims of nursing home abuse or neglect.** Due to physical and/or mental incapacities, the victim of the neglect or abuse may not be able to self-report because they may not know they are being abused or taken advantage of.
- 2. No recollection that abuse took place.** Many nursing home residents suffer from dementia or declined mental state, because of this the resident may not remember instances of neglect or abuse.
- 3. No witnesses to report the event.** Typically, the only witnesses to an incident are staff members or other residents. Staff members may not report the mistakes of their co-workers and other residents suffer the same mental deficiencies that prevent the victim from reporting.
- 4. Records falsified or altered.** Medical records are maintained and controlled by nursing home staff and can easily be altered, changed or improperly documented to hide events of abuse or neglect.
- 5. The incident has been covered up.** Nursing home facilities are monitored by state regulatory agencies and can be penalized for violations. In order to avoid lawsuits and fines, they may try to cover up instances of abuse and neglect.
- 6. Family members aren't around to recognize issues.** Because of the physical and mental state of most victims, instances of abuse and neglect are most often reported by family members or guardians of the resident. If family members live far away or don't frequently visit, problems may go unrecognized.
- 7. The resident and/or family members are scared to take action.** Sometimes the resident or family members don't speak up for fear that if they say something they will receive worse treatment. Other times, family members think the abuse is not serious enough to report. Every instance of abuse is important. If you are fearful of reporting, an experienced attorney may be able to provide some guidance.

## What Legal Rights Do Nursing Home Residents Have?

Under federal law and New Mexico State Law, a nursing home patient has certain rights that all patients and family members should be aware of. An experienced attorney can defend these rights when they have been violated.

### RESIDENT RIGHTS IN NEW MEXICO

1. The right to receive appropriate care regardless of race, religion, color, national origin, marital status, sexual preference or source of payment.
2. The right to be free from physical or mental abuse.
3. The right to consult with an attorney, physician or other person of their choice.
4. The right to obtain a copy of, or inspect his/her medical records. A third party cannot be granted access to these records without patient authorization.
5. The right to receive information about his/her medical condition, proposed treatment and prospects for recovery.
6. The right to send and receive personal mail.
7. The right to not be harassed, retaliated or discriminated against due to exercising rights protected by law.



**Nursing Home Statistic:** According to data collected by the Centers for Medicare and Medicaid Services, New Mexico is the worst in the nation for serious deficiencies on a per-nursing home basis.

### **Reporting Nursing Home Abuse and Neglect**

Unfortunately, instances of nursing home abuse and neglect are highly underreported with studies indicating that only 1 in 14 instances of abuse are actually reported. Part of the reason these numbers are so low is because many victims of nursing home abuse and neglect are unable or unwilling to report the abuse.

By law, doctors nurses, social workers and other healthcare providers are required to report any signs of abuse, but this doesn't mean that instances of abuse don't go unnoticed.

***Therefore, as family members, it is up to you to be the eyes and ears for your loved one.***

Knowing the risk factors and warning signs is the first step. Once you notice something is wrong, take the following steps to report it.

#### **1. Contact the Nursing Home**

The facility management is often not aware of abusive behavior on the part of their employees. If the facility accepts Medicare or Medicaid, then they are required to have a formal grievance procedure. Even facilities who aren't required to, often have some sort of formal process for making a grievance or complaint. If you aren't comfortable reporting directly to the nursing home management, see the below options.

**2. Contact Eldercare Locator**

Eldercare locator is a public service of the US Administration for Aging. Eldercare locator can help you understand state by state regulations that you may need to know before reporting abuse. They can also put you in touch with local programs to investigate and intervene when allegations of abuse are reported.

Eldercare Locator can be contacted at 1-800-677-1116 or resources can be found at <https://eldercare.acl.gov>.

**3. National Center for Elder Abuse for New Mexico Specific Resources**

The National Center for Elder Abuse provides state by state helplines, hotlines and referral sources. See the below resources for New Mexico.

**4. Contact the Resident’s Doctor**

Your loved one’s doctor knows them very well and should be able to detect any physical or mental changes. The doctor has access to their charts and will be able investigate the situation.

**5. Call 911**

Of course, if you witness the abuse first hand and it is an emergent situation, do not hesitate to call 911.

**New Mexico Elder Abuse Helplines, Hotlines, and Referral Sources**  
*Dial 800-752-8649 to report nursing home abuse or negligence*

To Reach the Long-Term Care Ombudsman

Santa Fe: 800-432-2080  
Albuquerque: 866-842-9230  
Las Cruces: 800-762-8690

State Government Agencies

[New Mexico Adult Protective Services](#)  
[New Mexico Aging and Long-Term Services Department](#)  
[New Mexico Division of Health Improvement](#)  
[New Mexico Long-Term Care Ombudsman](#)  
[New Mexico Office of Attorney General](#)

Other Resources

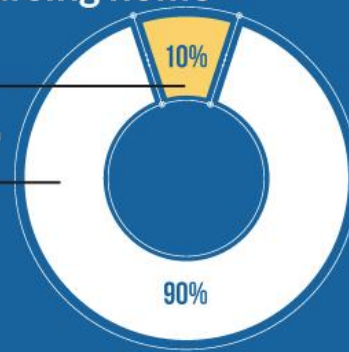
[New Mexico Victim Services](#)  
[New Mexico Employee Abuse Registry](#)

# FACTS ABOUT NURSING HOME ABUSE

- OVER 15,000 nursing homes in the US



- MORE THAN 10% of nursing home residents are abused



- 90% of nursing homes are understaffed

- 32% of New Mexico nursing homes have reported deficiencies
- \$6220 is the average cost of nursing home care in New Mexico

## When Do I Need an Attorney?

### What To Do After Reporting Abuse

Your number one priority is the health and safety of your loved one. If the situation cannot be resolved within the current facility or if the occurrence was so severe that keeping them at the place where the abuse occurred is not in their best interest, you will have to start the process of looking for a new facility for them. Moving your loved one to a place where they are comfortable, feels safe, and away from the abusive or neglectful environment is important to their overall wellbeing.

**Once your loved one is settled and safe, the next step is to contact an *experienced nursing home abuse attorney*.** A nursing home abuse attorney will be able to represent your loved one and your family for the wrongdoings of the nursing home and/or caregiver and get just compensation for the trials that your loved one endured. Hopefully in pursuing legal action, the perpetrators will also be stopped from hurting other elderly residents.

**Keller & Keller** works with a group of renowned and experienced nursing home abuse lawyers who have successfully handled some of New Mexico's most disturbing nursing home abuse lawsuits. The nursing home abuse lawyer you choose to handle your case should be familiar with both state and federal regulations designed to protect the interests of residents living in nursing home facilities. Look for attorneys with a proven track record and a history of success.

### Statute of Limitations

Keep in mind, there are strict deadlines (statute of limitations) associated with nursing home abuse cases. The sooner you call an experienced nursing home abuse attorney, the sooner they will be able to help you determine your exact statute and get the process started. If you miss the deadline, you risk losing all rights to compensation.

## Questions to Ask When Hiring an Attorney

Finding the right attorney can seem overwhelming.

The following are some questions you should consider when looking for an attorney to handle your case.

- 1 How many years of experience do they have?
- 2 Are they familiar with federal and state nursing home regulations?
- 3 Are they familiar with federal and state laws?
- 4 Does the office have an investigator on staff?
- 5 How many million dollar verdicts have they received for their clients?
- 6 Do they have the ability to hire experts?
- 7 Do they offer an informative website?
- 8 Do they have a guide similar to this one?
- 9 Are they trial lawyers?
- 10 Have they ever hired jury consultants?
- 11 Have they ever submitted a video demand?
- 12 Have they received any peer review awards?
- 13 Have you read their reviews online?
- 14 Do they offer a free consultation?
- 15 What is their fee structure?



## Record Breaking Results

Multi-Million Dollar Nursing Home Results

|  |  |   |  |  |
|--|--|---|--|--|
| <b>\$1.5 M</b><br>Neglect Led To A Choking Death | <b>\$1.5 M</b><br>Wrongful Death At Rehab Center | <b>\$11 M</b><br>Nursing Home Bedsore Death | <b>\$2 M</b><br>Over Medication Results In Death | <b>\$1.5 M</b><br>Slip And Fall Results In Death |
|--|--|---|--|--|

Your outcome may be different. Each case is determined by its own facts and applicable law.

### Trusted and Recommended



Client Testimonials for Keller & Keller

Watch later Share

Actual Client

"Watch this video to hear what some of our clients have to say about the Keller & Keller difference."

Award Winning Law Firm

**YOU PAY US NOTHING**  
UNTIL A RECOVERY IS MADE ON YOUR BEHALF

**ZERO FEE  
GUARANTEE**

*If you suspect someone is being abused or neglected in a New Mexico nursing home, please contact our attorneys for a free, no-obligation consultation at **505-938-2332.***

*Se Habla Español.*