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## Wrongful death suit filed against nursing home

Andy McDonald/ Register Correspondent Jul 15, 2016

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The estate of a late Stanton man is suing a Richmond nursing home, alleging the man suffered grave injuries and ultimately death.

According to Madison County Circuit Court records, Judy Barnett, of Winchester, is suing Madison Health and Rehabilitation Center, along with affiliated companies and parties, in her capacity as the administratrix of the estate of Donald Shelton. A retired handyman, Shelton, 78, passed away on June 15, 2015, at Baptist Health in Richmond.

Shelton had been a resident at Stanton Nursing and Rehabilitation Center before he was hospitalized at St. Joseph Mt. Sterling for three days. He was then sent for long term care at Madison Health and Rehabilitation Center, located on Meadowlark Drive in Richmond on June 6, 2015.

After developing respiratory distress and sepsis, Shelton was discharged to Baptist Health on June 14, 2015, where he died the following day.

The lawsuit alleges that upon being admitted to Madison Health and Rehabilitation Center, it was documented that Shelton had one pressure sore on his right buttock as well as a deep tissue wound in his left heel. However, the complaint alleges staff at the Richmond facility failed to reposition Shelton often enough to prevent further damage from pressure sores. By the time Shelton was admitted to Baptist Health, he was suffering two pressure sores where muscle and bone were visible, and his genitals were blackened and necrotic, according to the complaint.

The lawsuit further alleges Shelton was not bathed or given oral hygiene during the eight days he was a resident.

“Although Defendant Shelton’s residency at Madison Health and Rehabilitation Center was relatively brief, he suffered a rapid and profound decline in the integrity of his skin, penis and overall health,” court documents state.

In addition to suing Madison Health and Rehabilitation Center, as well as the facility’s nursing director, the lawsuit also names the facility’s affiliated companies as plaintiffs, alleging they are vicariously liable for failing to provide an adequate standard of care because they were involved in various phases related to the management of the Richmond facility, including setting policy, budgeting, staffing levels, as well as other functions. The suit alleges the decedent suffered, in part, due to inadequate staffing. Additional defendants include Preferred Care Partners Management Group of Austin, Texas, and Richmond Health Facilities – Madison GP, Plano, Texas, and Preferred Care of Delaware, Inc.

The complaint asserts the defendants should have provided sufficient medical attention, sufficient nursing attention and services, provided for Shelton’s dietary needs, and should have provided enough staffers to provide adequate care. Alleged failure of the defendants to assess, care, plan, document, treat and reposition Shelton was a substantial factor in his suffering and his death, according to the complaint.

“Due to defendants’ wrongful conduct, Decedent Shelton also suffered loss of dignity, degradation, extreme pain and suffering, extreme emotional distress, hospitalization, death and loss of enjoyment of life,” according to the lawsuit.

The plaintiff seeks recovery of compensatory and punitive damages, asserting that the conduct that led to Shelton’s condition was “intentional or carried out with reckless disregard to Decedent Shelton’s’ rights.

Barnett is represented by the law firm of Miller, Griffin & Marks in Lexington

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