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## PRACTICE FOCUS / PERSONAL INJURY

# Did Cutting Corners to Chase Cash Lead to Catastrophic Consequences?

Commentary by  
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The elements that led to the catastrophe at the Rehabilitation Center at Hollywood Hills this week should have come as no surprise—if only the people in charge thought to consider and plan for the consequences of a major South Florida hurricane.



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With Hurricane Irma threatening South Florida, managers at the nursing home were ill-prepared for the potentially fatal loss of electric power. The facility had a stand-by generator for the kitchen but none for a far more critical area—the elderly residents' living quarters. Once power did fail rendering the air conditioning inoperable, and temperatures inevitably rose, a bad situation turned dire. Fans and cooling units reportedly were brought in, to no avail.

Nor did the managers have an emergency evacuation plan if internal temperatures at the nursing home reached hazardous levels. Memorial Regional Hospital, a level one trauma center, was directly across 35th

Avenue from the nursing home. The hospital never lost power and reportedly had ample capacity to receive the elderly nursing home residents who were slowly being overcome by the heat.

As temperatures continued to rise to unbearable, eventually lethal levels and the residents slipped further into distress, managers and staff at the nursing home failed to take any effective remedial action. In all, eight residents perished from the heat. Others had to be hospitalized.

Florida Gov. Rick Scott has called for an investigation by the Department of Children and Families and the Florida Agency for Health Care Administration has denied the facility the right to accept new residents.

Eventually, a root cause analysis will reveal what went so horribly wrong. Was a low-level employee left in charge? Were managers awaiting orders from the owner, Jack Michel, who in 2004 settled a health care fraud case against Larkin brought by federal and state agencies? Did the owner or managers attempt to cut costs by not equipping the nursing home with an emergency generator?

Was there an evacuation plan in place and if so why wasn't it followed? Were FPL and the county timely notified and did they fail to act appropriately?

What can we learn from this tragedy?

- Nursing homes must install generators. Even though electrical generators are not yet required under Florida law, it's clear that battery-operated fans are no substitute for air conditioning particularly for a vulnerable elderly patient population.

- Nursing homes must have a hurricane plan and train its staff to implement it. With a hurricane plan and preparedness training, health care providers and aides will know how to respond to patient distress and lives will be saved.

- Research where you place your elderly or incapacitated family members. They say, "Where there's smoke, there's fire." The individuals who own and run the Larkin network of health care facilities, of which the Rehabilitation Center at Hollywood Hills is a part, have been cited and fined by regulators in the past. Even Hollywood Hills had been cited for health ratings "much below average," according to news reports.

All this information is publicly available. To place a loved one in the care of such a facility and its management could put them in peril. Question even the employee-to-resident ratio; often the quickest way to cut costs in a nursing home is to cut corners on staffing levels.

Hurricane Irma formed in the Atlantic Ocean on Aug. 30, and made landfall across South Florida on Sept. 9. Property owners, including those in charge of the Rehabilitation Center at Hollywood Hills, had 10 days to implement hurricane or evacuation plans. With no such plans either in place or acted upon, the home's 158 residents were left to suffer and die in the sweltering post-Irma heat.

The events this week created a tragedy of monumental human proportions. For nursing home residents to have survived Hurricane Irma, only to succumb as the result of completely avoidable nursing home mismanagement, heaped horror upon catastrophe.

And for their loved ones, the worst part is, it was completely avoidable.

—This law firm has successfully represented clients against Larkin entities in the past.

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