

Retirement home neglect results in \$500,000 settlement

By **PAUL A. THARP**, Staff Writer
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Chris Rigdon was raised by his grandparents, Orié and Helen Rigdon. Before Orié died in 2004, Chris promised him he'd take care of Helen. Chris eventually came to believe he had breached that promise — but that was due, he alleged, to the gross negligence of Ashley River Plantation Retirement Community, where he moved Helen Rigdon in July 2009.



Hughey

On her admission, she was diagnosed with hypertension, dysphasia and muscle weakness. Her care plan noted that she would require full assistance with bathing, dressing and grooming. She was unable to walk, and she often became confused and disoriented due to senile dementia.

A risk assessment completed on July 17, 2009 — the day after Helen Rigdon's admittance — noted that she was at high risk for developing pressure ulcers. "[A] prevention protocol should be initiated immediately," the note warned, but no evidence was found showing one was ever done.

Weekly follow-up assessments for the first four weeks after admission were

Settlement Report

Type of action: Nursing home neglect

Injuries alleged: Stage IV pressure sores, infections, severe protein malnutrition and dehydration.

Case name: *The Estate of Helen Rigdon v. Bell Senior Living, Inc., Oakhaven Senior Living, LLC d/b/a Ashley River Plantation, and Jason T. Fisher*

Court: Charleston County Court of Common Pleas

Case No.: 10-CP-10-10528

Judge: N/A

Verdict or settlement: Settlement

Date: June 15, 2011

Amount: \$500,000

Special damages: \$112,464.90 in hospital bills

Demand: \$1 million

Offer: Unknown

Insurer: CNA

Expert: David Seignious (Johns Island); Charlotte Sheppard, RN (Tampa, Fla.)

Plaintiff's attorney: Nathan Hughey (Charleston)

Defendant's attorney: Shawn Pinkston (Sullivan's Island)

supposed to be completed, followed by assessments every quarter and whenever there was a change in her cognitive or functional ability. But only one risk assessment was completed for Rigdon — the one performed July 17th.

By Oct. 19, 2009, sores had begun to develop on her underside, according to a nurse's note. By Jan. 3, 2010, staff notes reflected that Rigdon had four open wounds on her buttocks.

A Feb. 8, 2010, nurse's note referenced "black tissue covering [her] wound" and "maceration to surrounding areas." Maceration is a rotting process. A follow-up note the next day suggested that Rigdon may need "treatment in [a] more appropriate setting."

A note dated Feb. 15 made mention of "odor from resident's wounds to buttocks." Finally, on Feb. 19, Rigdon was transferred to Bon Secours St. Francis

Hospital in Charleston. Her condition continued to decline.

While hospitalized, doctors determined that Mrs. Rigdon was suffering from severe protein malnutrition, a large infected ulcer and dehydration. She also had developed three hip wounds, one of which had eroded "through muscle and fascia, and drain[ed] gray-green profoundly malodorous drainage."

Following her treatment at St. Francis, Rigdon was admitted to Kindred Hospital, where she passed away a few months later.

Legal claim

Chris Rigdon, represented by Charleston attorney Nathan Hughey, brought a claim against Ashley River Plantation.

"The bottom line is that the conditions at Ashley placed Mrs. Rigdon at great risk for the development of pressure sores," Hughey said, which led ultimately to her death.

A report by Alice Streetman, a local representative of the Trident Area Agency on Aging, found that Ashley River staff were neglectful in assessing Helen Rigdon's skin breakdown and failed to notify a doctor quickly enough. By the time staff members acted to transfer her to a higher level of care, Chris Rigdon alleged, the infections in the wounds had progressed too far to heal.

An attorney who represented Ashley River Plantation did not return a request for comment by press.