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Genesis Healthcare, Inc., Sued for Administering Drugs to Nursing Home Resident without Legal Consent

WASHINGTON, DC — The family of Sylvia Pierce, represented by Baird Mandalas Brockstedt, LLC, and AARP Foundation Litigation, [filed suit against Genesis Healthcare, Inc.](#), and others for administering dangerous drugs to her while she resided at their nursing facility and for providing negligent care and treatment which injured her and lead to her death. The drugs were administered to Mrs. Pierce without legal consent from her children Robert Pierce and Sandra Ahn who held medical powers of attorney and were the only people who could have agreed to the use of the drugs because their mother lacked capacity to consent.

Mrs. Pierce was admitted to Milford Center, a Genesis Healthcare facility located in Milford, Delaware, in September 2014. Mrs. Pierce's health deteriorated dramatically and she died less than two months after the facility staff began administering Zyprexa and other drugs to her that are intended to treat mental illness. Zyprexa can be fatal when given to elderly people with dementia like Mrs. Pierce. Milford Center never consulted Mrs. Pierce's family before administering the drugs to her. Her family did not discover that the facility had changed her drugs until after she had deteriorated dramatically and irreparably.

"We are devastated," said her son, Robert Pierce. "We put our trust in Genesis Healthcare and the Milford Center to care for our mother. Instead, they overmedicated her with drugs that had deadly consequences for her without my family's knowledge or consent. We are filing this lawsuit with the hope of alerting other families to dangerous nursing facility treatment of people with dementia."

Zyprexa is an atypical antipsychotic drug, a group of extremely powerful psychotropic drugs which the U.S. Food and Drug Administration (FDA) has approved for the treatment of psychotic conditions such as schizophrenia and bipolar disorder. Most importantly, the FDA has issued its most dire warning—known as a black box warning—that Zyprexa brings an increased risk of death for elderly patients with dementia-related psychosis.

"We are very pleased to join forces with [AARP Foundation Litigation](#) to represent Mrs. Pierce's family," says Chase T. Brockstedt, counsel for the plaintiffs. "Our firm is on the front lines of nursing home litigation in Delaware with the goal to protect the aged and hold those responsible for abuse and neglect accountable. This case is a tragic example of what happens when patient care is secondary to corporate profits."

Inappropriate use of antipsychotic drugs in nursing facilities is a national problem. On March 29, 2012, the Centers for Medicare and Medicaid Services launched a national initiative to reduce the use of antipsychotic medications in nursing facilities.

"This litigation will raise awareness about the improper use of these drugs as chemical restraints in nursing facilities and the need for health care providers to have meaningful discussions with patients and their families about non-drug alternatives and the side effects of these powerful and potentially dangerous drugs," says Maame Gyamfi of AARP Foundation Litigation, also counsel for the plaintiffs.

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Resources

- AARP Foundation Litigation class action complaint *Levine v. Venture Convalescent Center*, January 30, 2014. <http://www.aarp.org/aarp-foundation/our-work/legal-advocacy/info-2014/Levine-v-Ventura-Convalescent-Hospital.html>
- AARP Foundation Litigation *Keller v. Life Care* complaint, December 2, 2014.
- http://www.aarp.org/content/dam/aarp/aarp_foundation/litigation/pdf-beg-01-09-2013/Keller-Complaint.pdf
- Antipsychotics in Nursing Homes: These dangerous medications are prescribed at an alarming rate without the patient's consent <http://bit.ly/1naKlu5> (*AARP Bulletin*, July/August 2014)
- What Caregivers Need to Know About the Use of Antipsychotic Drugs in Nursing Homes <http://bit.ly/1jWLuYp>
- What Caregivers Need to Know About Monitoring Medication for Nursing Home Residents <http://bit.ly/1RpApLX>

About AARP Foundation

AARP Foundation works to ensure that low-income older adults have nutritious food, affordable housing, a steady income and strong and sustaining bonds. We collaborate with individuals and organizations who share

our commitment to innovation and our passion for problem solving. Supported by vigorous legal advocacy, we create and advance effective solutions that help struggling older adults transform their lives. AARP Foundation is the affiliated charity of AARP.

About AARP

AARP is a nonprofit, nonpartisan organization, with a membership of nearly 38 million that helps people turn their goals and dreams into “Real Possibilities” by changing the way America defines aging. With staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, AARP works to strengthen communities and promote the issues that matter most to families such as healthcare security, financial security, and personal fulfillment. AARP also advocates for individuals in the marketplace by selecting products and services of high quality and value to carry the AARP name. As a trusted source for news and information, AARP produces the world’s largest circulation magazine, AARP The Magazine, and AARP Bulletin. AARP does not endorse candidates for public office or make contributions to political campaigns or candidates. To learn more, visit www.aarp.org or follow @aarp on Twitter.

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