



Jury finds nursing home negligent

[By Craig Kapitan](#) - Express-News

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After more than a day of deliberation, a civil jury found a San Antonio nursing home negligent Wednesday in its care of a now-deceased resident who developed severe, infected bedsores.

Jurors ordered Retama Manor Nursing Center to pay the estate of Emilio Gonzalez \$250,000 for his physical pain and suffering, \$150,000 for mental pain and anguish and \$192,439.88 in medical bills.

But the nearly \$600,000 verdict is expected to be reduced substantially after state District Judge Victor Negrón applies Texas tort reform caps that have been in place since 2003.

Under Texas law, Gonzalez's family is likely to receive \$250,000 in damages and \$75,000 in medical expenses to be paid to Medicare.

Mary Koenig, who filed the suit on behalf of her father, said she hopes the judgment sends nursing homes a message.

"We wanted to make some changes in my dad's name," she said. "We just didn't want him to be another statistic. We needed to bring attention to the problems that are out there."

Gonzalez was a resident at Retama Manor from 2001 until months before his death in 2007 at the age of 76.

In closing arguments Tuesday, plaintiffs attorneys Tom Rhodes and Beth Janicek said the nursing home was intentionally understaffed in order to make more money, often leaving nurses with up to 60 residents to oversee at a time.

By the time Gonzalez was taken to Southwest General Hospital in August 2007, two bedsores had rotted to the bone, requiring an extended stay at a hospital specializing in wound treatment, they said.

Attorney Lori Proctor, who represented the nursing home, pointed out that Gonzalez's bedsores had always healed before in the six years he spent at the nursing home. The difference this time, she said, was that he had recently been diagnosed with terminal lung cancer that was making it impossible for him to heal.

"These nurses loved this man," she said, disagreeing that they falsified documents or that the facility was understaffed. "They had treated him for six years. They knew him."

Proctor declined comment after the verdict but indicated her client will appeal.

Rhodes, the plaintiffs attorney, said after the verdict that it is unlikely Gonzalez's family or attorneys will see much money after trial expenses are accounted for. Such trials have become uncommon, he said, because of the tort reform laws.

"It results in the fact that it's cheaper for them to understaff and pay these verdicts," Rhodes said. "We used to be able to say, 'Give good care or you will suffer the consequences.'"

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