

EXHIBIT 4

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

-----X
[REDACTED], as Administrator of the Estate of [REDACTED]
[REDACTED] and [REDACTED], Individually,

Index No.: [REDACTED]

Plaintiff,

VERIFIED
AMENDED
COMPLAINT

- against -

[REDACTED]
[REDACTED]

Defendant.

-----X
Plaintiff, by her attorneys THE JACOB D. FUCHSBERG LAW FIRM, LLP,
complaining of defendant [REDACTED]

[REDACTED] upon information and
belief, alleges that:

1. At all times mentioned herein, plaintiff [REDACTED], was and still is a resident
of the [REDACTED] State of New York.

2. At all times mentioned herein, plaintiff's decedent [REDACTED], was a
resident of the [REDACTED] State of New York.

3. Plaintiff [REDACTED] (hereinafter referred to as "Plaintiff"), was the daughter of
plaintiff's decedent [REDACTED] (hereinafter referred to as "Plaintiff's Decedent").

4. Plaintiff was duly appointed as administratrix over the estate of [REDACTED]
[REDACTED] by the Surrogate Court [REDACTED]

5. This action falls within one or more of the exceptions set forth in CPLR 1602, and
as such defendant is jointly and severally liable pursuant to the exceptions set forth in Article 16
of the CPLR.

6. Pursuant to CPLR Section 1602 (2) (iv), defendant is jointly and severally liable for all of Plaintiff's damages, including but not limited to Plaintiff's non-economic loss, irrespective of the provisions of CPLR Section 1601, by reason of the fact that defendant owed Plaintiff's Decedent a non-delegable duty of care.

7. Pursuant to CPLR Section 1602(2) (iv), defendant is jointly and severally liable for all of Plaintiff's damages, including but not limited to Plaintiff's non-economic loss, irrespective of the provisions of CPLR Section 1601, by reason of the fact that said defendant is vicariously liable for the negligent acts and omissions of its servants, agents, nursing aides, affiliated physicians, surgeons and/or employees.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT
PURSUANT TO NEW YORK PUBLIC HEALTH LAW §§2801-D AND 2803-C**

8. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 to 7 with the same force and effect as if more fully set forth at length herein.

9. At all times hereinafter mentioned, defendant [REDACTED] was and still is a domestic business corporation duly existing under and by virtue of the laws of the State of New York, having its principal place of business at [REDACTED]

10. At all times hereinafter mentioned, defendant [REDACTED], conducted business as an adult care facility located at [REDACTED], licensed and defined under New York Public Health Law §2801(2).

11. At all times hereinafter mentioned, defendant, [REDACTED] had possession and control of the building located at [REDACTED]

12. At all times hereinafter mentioned, defendant [REDACTED] owned a nursing home facility known as [REDACTED]
[REDACTED]

13. At all times hereinafter mentioned, defendant [REDACTED] operated a nursing home facility known as [REDACTED]

14. At all times hereinafter mentioned, defendant [REDACTED] was the lessee of a nursing home facility known as [REDACTED]

[REDACTED]
58-17 Parsons Boulevard, Flushing, N.Y. 11354.

15. At all times hereinafter mentioned, defendant [REDACTED] maintained a nursing home facility known as [REDACTED]

16. At all times hereinafter mentioned, defendant [REDACTED] managed a nursing home facility known as [REDACTED]

17. At all times hereinafter mentioned, defendant [REDACTED] supervised a nursing home facility known as [REDACTED]

18. At all times hereinafter mentioned, defendant [REDACTED] controlled a nursing home facility known as [REDACTED]

19. At all times hereinafter mentioned, defendant [REDACTED], was a facility providing therein nursing care to sick, invalid, infirmed, disabled, or convalescent persons in addition to lodging and board or health related services pursuant to New York Public Health Law §2801(2).

20. At all times hereinafter mentioned, defendant [REDACTED], is a residential health care facility as defined in New York Public Health Law §2801(3).

21. At all times hereinafter mentioned, defendant [REDACTED], was a residential health care facility within the meaning of New York Public Health Law §2801-d.

22. At all times hereinafter mentioned, defendant [REDACTED], was a nursing home facility subject to the provisions of New York Public Health Law §2801-C.

23. At all times hereinafter mentioned and material hereto, defendant [REDACTED] [REDACTED] as a nursing home facility subject to the rules and regulations set forth in 42 U.S.C §1395i et seq., and 42 C.F.R. Part 483.

24. From on or about March 3, 2016 through on or about March 24, 2016, and subsequently thereto, Plaintiff's Decedent was admitted to and was a resident at defendant [REDACTED] [REDACTED]

25. At all times hereinafter mentioned, during his residency, Plaintiff's Decedent was under the exclusive care, custody and control of defendant [REDACTED]

26. At all pertinent times, defendant [REDACTED] furnished rehabilitative care and held itself out to the public as furnishing rehabilitative care personnel and services to individuals, including Plaintiff's Decedent.

27. At all pertinent times, defendant [REDACTED] undertook the duty to care for Plaintiff's Decedent in a reasonable, proper, and skillful manner.

28. At all times hereinafter mentioned, including from on or about March 3, 2016 through on or about March 24, 2016, and subsequently thereto, during Plaintiff's Decedent's stay at the facility of defendant [REDACTED] he sustained permanent personal injuries, including

but not limited to multiple decubitus ulcers, which ultimately death to his death on September 11, 2017.

29. At all times hereinafter mentioned, including from on or about March 3, 2016 through on or about March 24, 2016, and subsequently thereto, defendant [REDACTED], its servants, agents, employees and/or independent contractors, negligently breached their duty in failing to provide for and/or ensure the safety, protection and well-being of persons under their care, including Plaintiff's Decedent.

30. From on or about from on or about March 3, 2016 through on or about March 24, 2016, and subsequently thereto, defendant [REDACTED], allowed Plaintiff's Decedent to sustain permanent personal injuries, including but not limited to multiple decubitus ulcers and to suffer severe permanent personal injuries, bruising and pain and suffering, which ultimately caused and/or contributed to his death on September 11, 2017.

31. The aforesaid occurrences were caused solely and wholly by the negligence of defendant [REDACTED] and its agents, servants, and/or employees in negligently and carelessly failing to treat and care for Plaintiff's Decedent in a careful and skillful manner; negligently and carelessly failing to monitor and supervise plaintiff in accordance with good and accepted medical customs, practices and standards; negligently and carelessly causing, permitting and allowing his medical condition to deteriorate and worsen; failing to promptly and timely order adequate diagnostic testing; failing to promptly transfer plaintiff to a hospital; negligently and carelessly failing to treat the condition from which Plaintiff's Decedent was then suffering.

32. At all times hereinafter mentioned, defendant [REDACTED] through its agents, servants, and/or employees, negligently breached its duty in failing to provide for and/or

ensure the safety, protection and well-being of persons under its care, including Plaintiff's Decedent.

33. Defendant [REDACTED] was negligent and careless in providing personnel to care for Plaintiff's Decedent, and said defendant was otherwise negligent and careless under the circumstances then and there prevailing.

34. As a result of the foregoing, Plaintiff's Decedent, suffered serious personal injuries requiring hospital and medical care, treatment, and attention, and which incapacitated him from his usual daily activities, causing him great pain, suffering, and anxiety, ultimately caused and/or contributed to his death on September 11, 2017.

35. At all times hereinafter mentioned, Plaintiff's Decedent's injuries and pain and suffering were substantially contributed to by the acts and omissions of defendant, as well as the violation of the resident's rights pursuant to New York Public Health Law §2801-D and enumerated in New York Public Health Law §2803-C.

36. At all times hereinafter mentioned, defendant's responsibilities and obligations to Plaintiff's Decedent, as outlined in Public Health Law §2803-C, are non-delegable and defendant has direct and vicarious liability for violations, deprivations and infringements of such responsibilities and obligations by any person or entity under defendant [REDACTED] control, direct or indirect, including its employees, agents, consultants and independent contractors, whether in-house or outside entities, individuals, agencies, pools or caused by defendant's policies, whether written or unwritten, or common practices.

37. At all times hereinafter mentioned, defendant [REDACTED] its employees, agents, consultants and independent contractors deprived Plaintiff's Decedent's of the rights

granted to him pursuant to Public Health Law §2801-D and as enumerated in Public Health Law §2803-C.

38. This is an action for damages under the Laws of New York State, specifically, Public Health Law §2801-D, §2803-C, and 10 New York Codes, Rules and Regulations (NYCCR) §415.12.

39. At all times hereinafter mentioned, the acts and omissions committed by employees and agents of defendant [REDACTED] were pervasive events that occurred and continued throughout Plaintiff's Decedent's residence and were such that supervisors, administrators and managing agents of defendant should have been aware of them.

40. At all times hereinafter mentioned, in addition to the damages suffered by Plaintiff's Decedent's as the result of defendant's deprivation of Plaintiff's Decedent's rights as a nursing home resident, Plaintiff is entitled to recovery of attorney's fees, pursuant to Public Health Law §2801-D(6), punitive damages pursuant to Public Health Law §2801-D(2) and costs.

41. At all times hereinafter mentioned, as a result of the foregoing acts and omissions, Plaintiff's Decedent was denied his rights under Public Health Law §2801-d as enumerated in Public Health Law §2803-C, and such denial caused injury to Plaintiff's Decedent.

42. The above-stated occurrence, and the results therefrom, were in no way due to any negligence on the part of Plaintiff's Decedent's contributing thereto, but were caused by the joint, several and/or concurrent negligence of the defendant and/or said defendant's agents, servants, employees and/or licensees.

43. By reason of the above, Plaintiff's Decedent's was forced to undergo medical treatment, incurred medical expenses, sustained great pain, agony, injury, suffering, disability,

hospitalization, as well as mental anguish, emotional distress and loss of enjoyment of life, and ultimately caused and/or contributed to his death on September 11, 2017.

44. By reason of the above, Plaintiff has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANT FOR NEGLIGENCE**

45. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth in paragraphs 1 to 44 with the same force and effect as if more fully set forth at length herein.

46. From on or about March 3, 2016 through on or about March 24, 2016, and subsequently thereto, Plaintiff's Decedent was a resident under the professional care of defendant, its agents, servants, and/or employees.

47. Defendant [REDACTED], its agents, servants, and employees held themselves out as duly qualified and capable of rendering adequate care and treatment to the public and for such purposes hired doctors, nurses, pharmacists, physicians, attendants, physical therapists, and other personal.

48. Plaintiff's Decedent relied upon the advice and care of defendant, their agents, servants, and/or employees and upon their knowledge, skill and representations that he would be adequately cared for.

49. Plaintiff's Decedent continuously submitted himself to the care and treatment of defendant, its agents, servants, and/or employees from on or about March 3, 2016 through on or about March 24, 2016, and subsequently thereto.

50. The care and treatment rendered by defendant [REDACTED], its agents, servants, and/or employees was improper, negligent, and given in a careless manner.

51. Defendant, their agents, servants, and/or employees were careless and negligent in its supervision of Plaintiff's Decedent; in failing to hire efficient and sufficient personnel in connection with the operation, management, control, and supervision of said facility; in failing to use reasonable care in the services and care rendered to and on behalf of plaintiff; in failing to adequately train their employees so as to enable them to control and supervise residents; in failing to promulgate proper and adequate rules and regulations and supervision to be provided and rendered by those agents, servants and employees hired to operate, manage, control, supervise, and run said facility; in failing to promulgate proper and adequate rules and regulations governing the proper care, guidance and supervision to be provided and rendered to those utilizing said facility.

52. By reason of the foregoing negligence on the part of the defendant, Plaintiff has been damaged in an amount that exceeds the jurisdictional limits of all lower Courts.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANT
FOR MEDICAL MALPRACTICE

53. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth in paragraphs 1 to 52 with the same force and effect as if more fully set forth at length herein.

54. At all pertinent times, defendant [REDACTED] owned, operated, controlled, and managed a facility for the care of the sick and elderly, known as [REDACTED] which provided personnel, including doctors, nurses, certified nursing assistance, and other providers for the care and treatment of its residents and which held itself out to the public as furnishing care for the sick and elderly, including Plaintiff's Decedent.

55. From on or about March 3, 2016 through on or about March 24, 2016, and subsequently thereto, Plaintiff's Decedent sought the professional care of defendant [REDACTED]

56. From on or about March 3, 2016 through on or about March 24, 2016, and subsequently thereto, defendant [REDACTED] and its agents, servants and employees provided medical, nursing, and diagnostic care and treatment to the Plaintiff's Decedent.

57. The above mentioned services, care and treatment were rendered by defendant [REDACTED] its agents, servants and employees, carelessly, unskillfully, negligently, and not in accordance with accepted standards of medical, nursing, diagnostic care, treatment and services in the community.

58. Defendant [REDACTED] through its agents, servants, and/or employees failed to employ the skill, care and diligence commonly and ordinarily possessed by, and required of physicians, nurses, nurses' aides, and physician's assistants in the community, and failed to use their best judgment in the care and treatment of Plaintiff's Decedent, causing him to develop decubitus ulcers.

59. Defendant [REDACTED] and its agents, servants, and/or employees negligently failed to provide Plaintiff's Decedent with adequate care and treatment for the prevention and development of his multiple decubitus ulcers.

60. Defendant [REDACTED] and its agents, servants, and/or employees negligently assessed Plaintiff's Decedent's needs and failed to institute an adequate care plan to treat his condition.

61. Defendant [REDACTED] and its agents, servants, and/or employees negligently failed to timely and adequately notify Plaintiff's Decedent's treating physician and family of injuries and significant changes in his condition.

62. The aforesaid occurrence was caused solely and wholly by the negligence of Defendant [REDACTED], and its agents, servants, and/or employees in negligently and carelessly failing to treat and care for Plaintiff's Decedent in a careful and skillful manner; negligently and carelessly failing to monitor and supervise plaintiff in accordance with good and accepted medical customs, practices and standards; negligently and carelessly failing to prevent Plaintiff's Decedent from sustaining decubitus ulcers negligently and carelessly causing, permitting and allowing his medical condition to deteriorate and worsen; and negligently and carelessly failing to treat the condition from which plaintiff was then suffering.

63. The foregoing was caused without any negligence on the part of Plaintiff's Decedent contributing thereto.

64. By reason of the above, Plaintiff's Decedent, sustained great pain, agony, injury, including decubitus ulcers, suffering, disability, hospitalization, as well as mental anguish and emotional distress, and ultimately caused and/or contributed to his death on September 11, 2017.

65. By reason of the above, Plaintiff has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION
FOR WRONGFUL DEATH

66. Plaintiff repeats and re-alleges each and every allegation set forth above in paragraphs 1 to 65 with the same force and effect as if more fully set forth at length herein.

67. At all times hereinafter mentioned, Plaintiff was the daughter of Plaintiff's Decedent.

68. By reason of the above, Plaintiff brings the action for the wrongful death of Plaintiff's Decedent, as Plaintiff and Plaintiff's Decedent's distributees have suffered pecuniary injuries and loss and have been deprived of said decedent's support, comfort, services, companionship, guidance, advice, love and affection, all to their damage, both general and special, in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

69. By reason of the foregoing negligence on the part of the defendants, Plaintiff has been damaged in an amount that exceeds the jurisdictional limits of all lower Courts.

WHEREFORE, Plaintiff demands judgment against defendant [REDACTED] in an amount, on each cause of action, which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action, and interest as allowed by law.

DATED: New York, New York
[REDACTED]



WALTER OSUNA, ESQ.

ATTORNEY'S VERIFICATION BY AFFIRMATION

WALTER OSUNA, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am associated with THE JACOB D. FUCHSBERG LAW FIRM, LLP, attorneys of record for plaintiff. I have read the annexed

SUMMONS & VERIFIED COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason I make the foregoing affirmation instead of plaintiff is because plaintiff resides outside of the county wherein your affirmant maintains offices.

DATED: New York, New York





WALTER OSUNA, ESQ.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

-----X
[REDACTED] Plaintiff,

- against -

[REDACTED]
[REDACTED]

Defendant.

-----X

Index No.:

CERTIFICATE
PURSUANT TO
CPLR §3012-a

WALTER OSUNA, the undersigned, an attorney admitted to practice in the Supreme Court of the State of New York, states that: I am an associate at The Jacob D. Fuchsberg Law Firm, attorneys for plaintiff in the within action. I have reviewed the facts of this case and have consulted with at least one physician who is licensed to practice in this State or any other state and who I reasonably believe is knowledgeable in the relevant issues involved in this action, and I have concluded on the basis of such review and consultation that there is a reasonable basis for the commencement of this action.

DATED: New York, New York

[REDACTED]



WALTER OSUNA

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

-----X

[REDACTED] Attorney-in-fact of

[REDACTED]

VERIFIED
COMPLAINT

Plaintiff,

Index No.:

-against-

[REDACTED], "JOHN/JANE DOE,
R.N." (said name being fictitious but intended to represent the
Registered Nurse who examined and provided medical care to
Plaintiff [REDACTED] on January 11, 2015 at

[REDACTED], "JOHN/JANE DOE, NP" (said name being
fictitious but intended to represent the Nurse Practitioner who
examined, provided medical care and/or order x-rays to
Plaintiff [REDACTED] on January 11, 2015 at

[REDACTED]
[REDACTED] and [REDACTED]
[REDACTED],

Defendants.

-----X

Plaintiff, by her attorneys THE JACOB D. FUCHSBERG LAW FIRM, LLP, complaining
of defendants [REDACTED], "JOHN/JANE DOE, R.N." (said name being
fictitious but intended to represent the Registered Nurse who examined and provided medical care
to Plaintiff [REDACTED] on January 11, 2015 at [REDACTED]
[REDACTED]) (hereinafter "JOHN/JANE DOE, R.N."), JOHN/JANE
DOE, N.P." (said name being fictitious but intended to represent the Nurse Practitioner who
examined, provided medical care and/or order x-rays to Plaintiff [REDACTED] on January
11, 2015 at [REDACTED]) (hereinafter
"JOHN/JANE DOE, N.P."), and [REDACTED]
[REDACTED] (hereinafter "[REDACTED]"), allege as follows:

1. At all pertinent times, plaintiff [REDACTED] is and is a resident of the County of [REDACTED], City and State of New York.

2. At all pertinent times, plaintiff [REDACTED] was and is a resident of the County of [REDACTED], City and State of New York.

3. On November 27, 2010, plaintiff [REDACTED] duly executed a durable Power of Attorney form, pursuant to General Obligations Law § 5-1513, granting Power of Attorney to plaintiff [REDACTED]

4. Pursuant to the express authority of General Obligations Law §5-1502H, such durable Power of Attorney gives plaintiff [REDACTED] the right to bring a claim on behalf of plaintiff [REDACTED]

5. That this action falls within one or more of the exceptions set forth in CPLR 1602, and as such defendants are jointly and severally liable pursuant to the exceptions set forth in Article 16 of the CPLR.

6. Pursuant to CPLR Section 1602 (2) (iv), defendants are jointly and severally liable for all of plaintiff's damages, including but not limited to plaintiff's non-economic loss, irrespective of the provisions of CPLR Section 1601, by reason of the fact that defendants owed plaintiff [REDACTED] a non-delegable duty of care.

7. Pursuant to CPLR Section 1602(2) (iv), defendants are jointly and severally liable for all of plaintiff [REDACTED]'s damages, including but not limited to plaintiff's non-economic loss, irrespective of the provisions of CPLR Section 1601, by reason of the fact that said defendants are vicariously liable for the negligent acts and omissions of its servants, agents, nursing aides, affiliated physicians, surgeons and/or employees.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS
PURSUANT TO NEW YORK PUBLIC HEALTH LAW §§2801-D AND 2803-C

8. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 to 7 with the same force and effect as if more fully set forth at length herein.

9. At all times hereinafter mentioned, defendant [REDACTED] was and still is a domestic business corporation duly existing under and by virtue of the laws of the State of New York, having its principal place of business at [REDACTED]
[REDACTED]

10. At all times hereinafter mentioned, defendant [REDACTED] conducted business as an adult care facility located at [REDACTED], licensed and defined under New York Public Health Law §2801(2).

11. At all times hereinafter mentioned, defendant, [REDACTED] had possession and control of the building located at [REDACTED]
[REDACTED]

12. At all times hereinafter mentioned, defendant [REDACTED] owned a nursing home facility known as [REDACTED]
[REDACTED] located at [REDACTED]

13. At all times hereinafter mentioned, defendant [REDACTED] operated a nursing home facility known as [REDACTED] ID
[REDACTED] located at [REDACTED]

14. At all times hereinafter mentioned, defendant [REDACTED] was the lessee of a nursing home facility known as [REDACTED]
[REDACTED] located at [REDACTED]

15. At all times hereinafter mentioned, defendant [REDACTED] maintained a nursing home facility known as [REDACTED]
[REDACTED]

16. At all times hereinafter mentioned, defendant [REDACTED] managed a nursing home facility known as [REDACTED]
[REDACTED]

17. At all times hereinafter mentioned, defendant [REDACTED] supervised a nursing home facility known as [REDACTED]
[REDACTED]
[REDACTED]

18. At all times hereinafter mentioned, defendant [REDACTED] controlled a nursing home facility known as [REDACTED]
[REDACTED]
[REDACTED]

19. At all times hereinafter mentioned, defendant [REDACTED] was a facility providing therein nursing care to sick, invalid, infirmed, disabled, or convalescent persons in addition to lodging and board or health related services pursuant to New York Public Health Law §2801(2).

20. At all times hereinafter mentioned, defendant [REDACTED] is a residential health care facility as defined in New York Public Health Law §2801(3).

21. At all times hereinafter mentioned, defendant [REDACTED] was a residential health care facility within the meaning of New York Public Health Law §2801-d.

22. At all times hereinafter mentioned, defendant [REDACTED], was a nursing home facility subject to the provisions of New York Public Health Law §2801-C.

23. At all times hereinafter mentioned and material hereto, defendant [REDACTED], was a nursing home facility subject to the rules and regulations set forth in 42 U.S.C §1395i et seq., and 42 C.F.R. Part 483.

24. From on or about January 9, 2014 to on or about January 13, 2015, plaintiff [REDACTED] was admitted to and was a resident at defendant [REDACTED]

25. At all times hereinafter mentioned, during her residency, plaintiff [REDACTED] was under the exclusive care, custody and control of defendant [REDACTED]

26. At all pertinent times, defendant [REDACTED] furnished rehabilitative care and held itself out to the public as furnishing rehabilitative care personnel and services to individuals, including plaintiff [REDACTED]

27. At all pertinent times, defendant [REDACTED] was a physician duly licensed to practice medicine within the State of New York.

28. At all pertinent times, defendant [REDACTED] was an employee of defendant [REDACTED]

29. At all pertinent times, defendant [REDACTED] was an agent of defendant [REDACTED]

30. At all pertinent times, defendant [REDACTED] is and still is an attending physician at defendant [REDACTED]

31. At all pertinent times, defendant [REDACTED] was and still is a staff physician at defendant [REDACTED]

32. At all pertinent times, defendant [REDACTED] was and still is an independent contractor with privileges at defendant [REDACTED]

33. At all pertinent times, defendant [REDACTED] was an independent contractor under the supervision and control of defendant [REDACTED]

34. At all pertinent times, defendant [REDACTED] was and still is a supervising physician at defendant [REDACTED]

35. At all pertinent times, defendant [REDACTED] was in a partnership of doctors practicing medicine in the State of New York.

36. At all pertinent times, defendant [REDACTED] was in a partnership of doctors duly organized and existing under, and by virtue of, the laws of the State of New York.

37. At all pertinent times, defendant [REDACTED] held himself out to the general public, and in particular plaintiff [REDACTED] as a physician offering professional services and medical care and treatment for ill, injured, and/or infirm individuals in nursing homes.

38. At all times mentioned herein, [REDACTED] represented that he was competent to perform and render all the medical care, treatment, services and advice required by plaintiff [REDACTED]

39. At all times mentioned herein, plaintiff [REDACTED] sought the professional care of defendant [REDACTED] for certain medical complaints from which plaintiff was suffering, and this defendant rendered medical care, diagnosis, treatment and services to plaintiff [REDACTED]

40. At all times mentioned herein, defendant [REDACTED] and defendant [REDACTED] stood in such a relationship with each other in their care and treatment of plaintiff [REDACTED] as to make each liable for the acts and omissions of the other.

41. At all pertinent times, defendant "JOHN/JANE DOE, R.N." was a registered nurse duly licensed to practice nursing in the State of New York.

42. At all pertinent times, defendant "JOHN/JANE DOE, R.N." held himself/herself out to the general public, and in particular to plaintiff [REDACTED], as a registered nurse offering professional services and medical and nursing care and treatment for ill, injured, and/or infirm individuals in nursing homes.

43. At all pertinent times, defendant "JOHN/JANE DOE, R.N." was an employee of defendant [REDACTED]

44. At all pertinent times, defendant "JOHN/JANE DOE, R.N." was an agent of defendant [REDACTED].

45. At all pertinent times, defendant "JOHN/JANE DOE, R.N." was an independent contractor under the supervision and control of defendant [REDACTED]

46. At all pertinent times, defendant [REDACTED] is the registered nurse who is noted as examining and/or rendering medical care to plaintiff [REDACTED] on January 11, 2015 pursuant to the "Nursing Progress Notes" annexed herein as *Exhibit "A"*.

47. At all times mentioned herein, defendant "JOHN/JANE DOE, R.N." and defendant [REDACTED] stood in such a relationship with each other in their care and treatment of plaintiff [REDACTED] as to make each liable for the acts and omissions of the other.

48. At all pertinent times, defendant "JOHN/JANE DOE, N.P." was a registered nurse practitioner duly licensed to practice nursing in the State of New York.

49. At all pertinent times, defendant "JOHN/JANE DOE, N.P." held himself/herself out to the general public, and in particular to plaintiff [REDACTED] as a nurse practitioner offering professional services and medical and nursing care and treatment for ill, injured, and/or infirm individuals in nursing homes.

50. At all pertinent times, defendant "JOHN/JANE DOE, N.P." was an employee of defendant [REDACTED]

51. At all pertinent times, defendant "JOHN/JANE DOE, N.P." was an agent of defendant [REDACTED]

52. At all pertinent times, defendant "JOHN/JANE DOE, N.P." was an independent contractor under the supervision and control of defendant [REDACTED]

53. At all pertinent times, defendant "JOHN/JANE DOE, N.P." is the nurse practitioner who is noted as examining, rendering medical care and/or ordering x-rays to plaintiff [REDACTED] on January 11, 2015 pursuant to the "Nursing Progress Notes" annexed herein as *Exhibit "A"*.

54. At all times mentioned herein, defendant "JOHN/JANE DOE, N.P." and defendant [REDACTED] stood in such a relationship with each other in their care and treatment of plaintiff [REDACTED] as to make each liable for the acts and omissions of the other.

55. At all pertinent times, defendant [REDACTED] undertook the duty to care for plaintiff [REDACTED] in a reasonable, proper, and skillful manner.

56. At all pertinent times, defendant [REDACTED] undertook the duty to care for plaintiff [REDACTED] in a reasonable, proper, and skillful manner.

57. At all pertinent times, defendant "JOHN/JANE DOE, R.N." undertook the duty to care for plaintiff [REDACTED] in a reasonable, proper, and skillful manner.

58. At all pertinent times, defendant "JOHN/JANE DOE, N.P." undertook the duty to care for plaintiff [REDACTED] in a reasonable, proper, and skillful manner.

59. At all times hereinafter mentioned, including from on or about January 9, 2014 to on or about January 13, 2015, during plaintiff [REDACTED] stay at the facility of defendant [REDACTED] she sustained permanent personal injuries.

60. At all times hereinafter mentioned, including from on or about January 9, 2014 to on or about January 13, 2015, defendant [REDACTED], was acting within the scope of his employment with defendant [REDACTED]

61. At all times hereinafter mentioned, including from on or about January 9, 2014 to on or about January 13, 2015, defendant, "JOHN/JANE DOE, R.N.," was acting within the scope of his/her employment with defendant [REDACTED]

62. At all times hereinafter mentioned, including from on or about January 9, 2014 to on or about January 13, 2015, defendant [REDACTED] its servants, agents, employees and/or independent contractors, including defendants [REDACTED] M.D., "JOHN/JANE DOE, R.N.," and "JOHN/JANE DOE, N.P.," negligently breached their duty in failing to provide for and/or ensure the safety, protection and well-being of persons under their care, including plaintiff [REDACTED]

63. From on or about January 9, 2014 to on or about January 13, 2015, defendant [REDACTED] allowed plaintiff [REDACTED] to suffer falls, including but not limited to on or about April 8, 2014, June 1, 2014, December 3, 2014 and January 11, 2015, and to suffer severe permanent personal injuries, including but not limited to a left hip fracture, bruising and pain and suffering.

64. From on or about January 9, 2014 to on or about January 13, 2015, defendant [REDACTED] while acting within the scope of his employment with defendant [REDACTED] allowed plaintiff [REDACTED] to suffer falls, including but not limited to on or about April 8, 2014, June 1, 2014, December 3, 2014 and January 11, 2015, and to suffer severe permanent personal injuries, including but not limited to a left hip fracture, bruising and pain and suffering.

65. From on or about January 9, 2014 to on or about January 13, 2015, defendant "JOHN/JANE DOE, R.N.," while acting within the scope of his/her employment with defendant [REDACTED] allowed plaintiff [REDACTED] to suffer falls, including but not limited to on or about April 8, 2014, June 1, 2014, December 3, 2014 and January 11, 2015, and to suffer severe permanent personal injuries, including but not limited to a left hip fracture, bruising and pain and suffering.

66. From on or about January 9, 2014 to on or about January 13, 2015, defendant "JOHN/JANE DOE, N.P.," while acting within the scope of his/her employment with defendant [REDACTED] allowed plaintiff [REDACTED] to suffer falls, including but not limited to on or about April 8, 2014, June 1, 2014, December 3, 2014 and January 11, 2015, and to suffer severe permanent personal injuries, including but not limited to a left hip fracture, bruising and pain and suffering.

67. The aforesaid occurrences were caused solely and wholly by the negligence of defendant [REDACTED], and its agents, servants, and/or employees, including defendants [REDACTED] "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", in negligently and carelessly failing to treat and care for plaintiff [REDACTED] in a careful and skillful manner; negligently and carelessly failing to monitor and supervise plaintiff in accordance with good and accepted medical customs, practices and standards; negligently and carelessly failing to safely secure plaintiff to her bed and/or wheelchair; failing to implement fall prevention mechanisms, including but not limited to bed and/or chair alarms; negligently and carelessly failing to safely transport plaintiff; negligently and carelessly failing to prevent plaintiff from falling on or about April 8, 2014, June 1, 2014, December 3, 2014 and January 11, 2015; negligently and carelessly failing to prevent plaintiff from sustaining injuries as a result of her multiple falls; negligently and carelessly causing, permitting and allowing her medical condition to deteriorate and worsen; failing to promptly and timely order adequate diagnostic testing; failing to promptly transfer plaintiff to a hospital; negligently and carelessly failing to treat the condition from which plaintiff was then suffering.

68. At all times hereinafter mentioned, defendant [REDACTED] through its agents, servants, and/or employees, negligently breached its duty in failing to provide for and/or ensure the safety, protection and well-being of persons under its care, including plaintiff [REDACTED]

69. At all times hereinafter mentioned, defendant [REDACTED] M.D., negligently breached his duty in failing to provide for and/or ensure the safety, protection and well-being of persons under his care, including plaintiff [REDACTED].

70. At all times hereinafter mentioned, defendant "JOHN/JANE DOE, R.N." negligently breached his/her duty in failing to provide for and/or ensure the safety, protection and well-being of persons under his/her care, including plaintiff [REDACTED]

71. At all times hereinafter mentioned, defendant "JOHN/JANE DOE, N.P." negligently breached his/her duty in failing to provide for and/or ensure the safety, protection and well-being of persons under his/her care, including plaintiff [REDACTED]

72. Defendant [REDACTED] was negligent and careless in providing personnel to care for plaintiff [REDACTED] and said defendant was otherwise negligent and careless under the circumstances then and there prevailing.

73. Defendant [REDACTED] as negligent in injuring plaintiff [REDACTED] and was otherwise negligent and careless under the circumstances then and there prevailing.

74. Defendant "JOHN/JANE DOE, R.N." was negligent in injuring plaintiff [REDACTED] [REDACTED] and was otherwise negligent and careless under the circumstances then and there prevailing.

75. Defendant "JOHN/JANE DOE, N.P." was negligent in injuring plaintiff [REDACTED] [REDACTED], and was otherwise negligent and careless under the circumstances then and there prevailing.

76. As a result of the foregoing, plaintiff [REDACTED] suffered serious personal injuries requiring hospital and medical care, treatment, and attention, and which incapacitated her from her usual daily activities, causing her great pain, suffering, and anxiety.

77. At all times hereinafter mentioned, plaintiff [REDACTED] injuries and pain and suffering were substantially contributed to by the acts and omissions of defendant, as well as

the violation of the resident's rights pursuant to New York Public Health Law §2801-D and enumerated in New York Public Health Law §2803-C.

78. At all times hereinafter mentioned, defendants' responsibilities and obligations to plaintiff [REDACTED], as outlined in Public Health Law §2803-C, are non-delegable and defendants have direct and vicarious liability for violations, deprivations and infringements of such responsibilities and obligations by any person or entity under defendant [REDACTED] control, direct or indirect, including its employees, agents, consultants and independent contractors, including defendants [REDACTED] "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", whether in-house or outside entities, individuals, agencies, pools or caused by defendant's policies, whether written or unwritten, or common practices.

79. At all times hereinafter mentioned, defendant [REDACTED] its employees, agents, consultants and independent contractors, including defendants [REDACTED] [REDACTED] "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", deprived plaintiff [REDACTED] of the rights granted to her pursuant to Public Health Law §2801-D and as enumerated in Public Health Law §2803-C.

80. This is an action for damages under the Laws of New York State, specifically, Public Health Law §2801-D, §2803-C, and 10 New York Codes, Rules and Regulations (NYCCR) §415.12.

81. At all times hereinafter mentioned, the acts and omissions committed by employees and agents of defendant [REDACTED] were pervasive events that occurred and continued throughout plaintiff's residence and were such that supervisors, administrators and managing agents of defendant should have been aware of them.

82. At all times hereinafter mentioned, in addition to the damages suffered by plaintiff as the result of defendants' deprivation of plaintiff [REDACTED] rights as a nursing home resident, plaintiff is entitled to recovery of attorney's fees, pursuant to Public Health Law §2801-D(6), punitive damages pursuant to Public Health Law §2801-D(2) and costs.

83. At all times hereinafter mentioned, as a result of the foregoing acts and omissions, plaintiff [REDACTED] was denied her rights under Public Health Law §2801-d as enumerated in Public Health Law §2803-C, and such denial caused injury to plaintiff.

84. The above-stated occurrence, and the results therefrom, were in no way due to any negligence on the part of plaintiff [REDACTED] contributing thereto, but were caused by the joint, several and/or concurrent negligence of the defendants and/or said defendants' agents, servants, employees and/or licensees.

85. By reason of the above, plaintiff [REDACTED] was forced to undergo medical treatment, incurred medical expenses, sustained great pain, agony, injury, suffering, disability, hospitalization, as well as mental anguish, emotional distress and loss of enjoyment of life.

86. By reason of the above, plaintiff [REDACTED] has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

87. By reason of the foregoing, plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANTS FOR NEGLIGENCE

88. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth in paragraphs 1 to 87 with the same force and effect as if more fully set forth at length herein.

89. From on or about January 9, 2014 to on or about January 13, 2015, plaintiff [REDACTED] was a resident under the professional care of defendants, their agents, servants, and/or employees.

90. Defendant [REDACTED] its agents, servants, and employees, including defendants [REDACTED] "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", held themselves out as duly qualified and capable of rendering adequate care and treatment to the public and for such purposes hired doctors, nurses, pharmacists, physicians, attendants, physical therapists, and other personal.

91. Plaintiff [REDACTED] relied upon the advice and care of defendants, their agents, servants, and/or employees and upon their knowledge, skill and representations that she would be adequately cared for.

92. Plaintiff [REDACTED] continuously submitted herself to the care and treatment of defendants, their agents, servants, and/or employees from on or about January 9, 2014 to on or about January 13, 2015.

93. The care and treatment rendered by defendant [REDACTED], its agents, servants, and/or employees, including defendants [REDACTED] "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", was improper, negligent, and given in a careless manner.

94. Defendants, their agents, servants, and/or employees were careless and negligent in their supervision of plaintiff [REDACTED] in failing to hire efficient and sufficient personnel in connection with the operation, management, control, and supervision of said facility; in failing to use reasonable care in the services and care rendered to and on behalf of plaintiff; in failing to adequately train their employees so as to enable them to control and

supervise residents; in failing to promulgate proper and adequate rules and regulations and supervision to be provided and rendered by those agents, servants and employees hired to operate, manage, control, supervise, and run said facility; in failing to promulgate proper and adequate rules and regulations governing the proper care, guidance and supervision to be provided and rendered to those utilizing said facility.

95. By reason of the foregoing negligence on the part of the defendant, plaintiff has been damaged in an amount that exceeds the jurisdictional limits of all lower Courts.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANTS FOR MEDICAL MALPRACTICE**

96. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth in paragraphs 1 to 95 with the same force and effect as if more fully set forth at length herein.

97. At all pertinent times, defendant [REDACTED] owned, operated, controlled, and managed a facility for the care of the sick and elderly, known as [REDACTED] [REDACTED] which provided personnel, including doctors, nurses, certified nursing assistance, and other providers for the care and treatment of its residents and which held itself out to the public as furnishing care for the sick and elderly, including plaintiff [REDACTED]

98. At all pertinent times, defendant [REDACTED] held himself out to the general public and in particular to plaintiff [REDACTED] as a physician, offering professional medical care and treatment for ill, injured, and/or infirm individuals in nursing homes.

99. At all pertinent times, defendant "JOHN/JANE DOE, R.N.," held himself/herself out to the general public and in particular to plaintiff [REDACTED] as a registered nurse,

offering professional services and medical and nursing care and treatment for ill, injured, and/or infirm individuals in nursing homes.

100. At all pertinent times, defendant "JOHN/JANE DOE, N.P.," held himself/herself out to the general public and in particular to plaintiff [REDACTED], as a nurse practitioner, offering professional services and medical and nursing care and treatment for ill, injured, and/or infirm individuals in nursing homes.

101. From on or about January 9, 2014 to on or about January 13, 2015, plaintiff [REDACTED] sought the professional care of defendant [REDACTED]

102. From on or about January 9, 2014 to on or about January 13, 2015, defendant [REDACTED] and its agents, servants and employees, including defendants [REDACTED] "JOHN/JANE DOE, R.N.," and "JOHN/JANE DOE, N.P.," provided medical, nursing, and diagnostic care and treatment to the plaintiff [REDACTED]

103. At all pertinent times, defendant [REDACTED] M.D., provided medical, rehabilitative and nursing care and treatment to plaintiff [REDACTED]

104. At all pertinent times, defendant "JOHN/JANE DOE, R.N." provided medical, rehabilitative and nursing care and treatment to plaintiff [REDACTED]

105. At all pertinent times, defendant "JOHN/JANE DOE, N.P." provided medical, rehabilitative and nursing care and treatment to plaintiff [REDACTED]

106. The above mentioned services, care and treatment were rendered by defendants [REDACTED] D., "JOHN/JANE DOE, R.N.," and "JOHN/JANE DOE, N.P.," their agents, servants and employees, carelessly, unskillfully,

negligently, and not in accordance with accepted standards of medical, nursing, diagnostic care, treatment and services in the community.

107. Defendant [REDACTED], and its agents, servants, and/or employees, including [REDACTED] M.D., "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", failed to employ the skill, care and diligence commonly and ordinarily possessed by, and required of physicians, nurses, nurses' aides, and physician's assistants in the community, and failed to use their best judgment in the care and treatment of plaintiff [REDACTED] causing her to fall and sustain serious injuries on or about April 8, 2014, June 1, 2014, December 3, 2014 and January 11, 2015.

108. Defendant [REDACTED] and its agents, servants, and/or employees, including [REDACTED] M.D., "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", negligently failed to provide plaintiff [REDACTED] with adequate accident and fall prevention measures and/or mechanisms.

109. Defendant [REDACTED] and its agents, servants, and/or employees, including [REDACTED], "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", negligently assessed plaintiff [REDACTED] needs and failed to institute an adequate care plan for her condition.

110. Defendant [REDACTED] and its agents, servants, and/or employees, including [REDACTED] M.D., "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", negligently failed to timely and adequately notify plaintiff [REDACTED] treating physician and family of injuries and significant changes in her condition.

111. The aforesaid occurrence was caused solely and wholly by the negligence of Defendant [REDACTED] and its agents, servants, and/or employees, including

██████████ M.D., "JOHN/JANE DOE, R.N.", and "JOHN/JANE DOE, N.P.", in negligently and carelessly failing to treat and care for plaintiff ██████████ in a careful and skillful manner; negligently and carelessly failing to monitor and supervise plaintiff in accordance with good and accepted medical customs, practices and standards; negligently and carelessly failing to prevent plaintiff ██████████ from falling on or about April 8, 2014, June 1, 2014, December 3, 2014 and January 11, 2015; negligently and carelessly failing to prevent plaintiff from sustaining injuries as a result of her fall; negligently and carelessly causing, permitting and allowing her medical condition to deteriorate and worsen; and negligently and carelessly failing to treat the condition from which plaintiff was then suffering.

112. The foregoing was caused without any negligence on the part of plaintiff (██████████) contributing thereto.

113. By reason of the above, plaintiff (██████████) sustained great pain, agony, injury, including a left hip fracture, suffering, disability, hospitalization, as well as mental anguish and emotional distress.

114. By reason of the above, plaintiff has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff, (██████████) as Attorney-in-Fact for (██████████) demand judgment against defendants (██████████) (██████████) M.D., "JOHN/JANE DOE, R.N." and "JOHN/JANE DOE, N.P." in an amount, on each cause of action, that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action, and interest as allowed by law.

Dated: New York, New York
[REDACTED]

Yours, etc.

THE JACOB D. FUCHSBERG LAW FIRM



By: Walter Osuna

Attorneys for Plaintiff

Office and P.O. Address

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New York, 10110

(212) 869-3500

w.osuna@fuchsberg.com

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ATTORNEY'S VERIFICATION BY AFFIRMATION

Walter Osuna, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am associated with THE JACOB D. FUCHSBERG LAW FIRM, attorneys of record for Plaintiff. I have read the annexed

SUMMONS & VERIFIED COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason I make the foregoing affirmation instead of Plaintiff is because Plaintiff resides outside of the county wherein your affirmant maintains offices.

DATED: New York, New York
 



WALTER OSUNA


SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

-----X

[REDACTED] Attorney-in-fact of
[REDACTED]

**CERTIFICATE OF
MERIT**

Plaintiffs,

Index No.:

-against-

[REDACTED] M.D., "JOHN/JANE DOE,
R.N." (said name being fictitious but intended to represent the
Registered Nurse who examined and provided medical care to
Plaintiff [REDACTED] on January 11, 2015 at
[REDACTED]
[REDACTED] "JOHN/JANE DOE, NP" (said name being
fictitious but intended to represent the Nurse Practitioner who
examined, provided medical care and/or order x-rays to
Plaintiff [REDACTED] on January 11, 2015 at
[REDACTED]
[REDACTED] and [REDACTED]
[REDACTED]


Defendants.

-----X

WALTER OSUNA, an attorney admitted to practice law in the Courts of State of New
York, and an associate with The Jacob D. Fuchsberg Law Firm, LLP, attorneys for the plaintiff
in the within action, affirms the following to be true under penalties of perjury:

I have reviewed the facts of this case and have consulted with at least one physician who
is licensed to practice in this State or any other state and who I reasonably believe is
knowledgeable in the relevant issues involved in this action, and I have concluded on the basis of
such review and consultation that there is a reasonable basis for the commencement of this
action.

Dated: New York, New York
[REDACTED]



Walter Osuna

EXHIBIT A

NURSING PROGRESS NOTES

MEDICAL RECORD NO. _____

NOTES

DATE/TIME	DISC.	NOTES
12/28/14	1-3	Upic ² Off Agitation V/S 98.4 74, 20, 122/72. Res alert, resp. w/ confusion, no w/C. appetite good for meals. no behavior noted this time. Safety maintained. A. Stable P. Will cont. to monitor
12/28/14	NSG.	3/P Agitation Sq V/S 97-72-20-120/60. Fluct. confusion with confusion. appetite good, no fluids taken well no episode of agitation on this test no data noted. A. Stable. P. Will continue to monitor
12/29/14	NSG.	V/S 97.9-55-16-134/65. resident sleeping in bed. No pain or distress noted. continue to monitor Safety maintained this time.
1/1/15	WJ	7:35 AM Title: Day 1 Alleged Fall O: Res alert, combative, he's no pain to left hip, site, punctured to hip. He reports that "she fell this past Sunday" seen for stat xray to left hip R/O fracture and Tylenol 325mg tabs q. 4hrs PRN for pain. Tylenol given as ordered. Xray called in Res in bed for her. Meds & meals w/ close supervision safety maintained. Spoke to

NURSING PROGRESS NOTES

MEDICAL RECORD NO. _____

NOTES

DATE/TIME	DISCP.	NOTES
11/1/15	no	chart re nursing daughter of (daughter) 2-11
7-3		X-ray results
		A-115198, 10/21/15 (11/1/15)
		Pain management - cre
11/1/15	ALSO	Physical Restraint Reduction -
		As per Townhouse Policy & procedure
		Manual, in conjunction with the Gt
		Study, all this with using a restraint
		must be assessed for possible restraint
		reduction. Mrs. Mallett was provided
		2 a w/c seatbelt on 6/2/14 due to
		h/o falls & injury and despite multiple
		interventions including redirection,
		holding, ambulation, restraints & social
		merit behavior. Requests due to
		Alzheimer's dementia & short term
		memory impairment. MD's order
		obtained to initiate the reduction upon
		of Resident's primary contact
		informed. Rehab Screen recommended to
		discontinue & implement a program during
		restraint release period, and
		recommendations for restraint reduction