



Jonathan Rosenfeld

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Views from the other side.(EDITORIAL)

Article from: **Long-Term Living** Article date: **March 1, 2009** Author: **Peck, Richard L.**
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Visitors to our Web site at www.ltimagazine.com will note the arrival of a new blogger named **Jonathan Rosenfeld**. He is an attorney--but the type of attorney you will seldom hear from in a long-term care publication. He is a plaintiff's attorney, specializing in suing nursing homes in cases involving resident injury.

Some might say we're letting the fox into the henhouse--that it conjures up images of attorneys billboarded on the highways and flooding the airwaves with commercials urging people to sue nursing homes. Why on earth would we invite such an individual into our information circle online?

Well, read Mr. **Rosenfeld's** initial two blogs--one on a Bush administration "parting shot" exempting state nursing home surveyors from being called to testify in liability lawsuits, the other questioning whether certain miscreant staffers in a resident abuse case shouldn't be allowed to share the blame with their bosses.

Is the message incendiary and insulting? I guess it's all in the delivery. For example, **Rosenfeld** points out, in a cautionary note for readers, that the provision President Bush signed off on in his last days in office is likely to have unintended consequences--in short, it is as likely to increase legal action against nursing homes to gain access to information as it is to protect them; moreover, it is likely to block nursing homes from gaining access to state survey information that might help exonerate them. (Some might argue that unintended consequences were the unfortunate result of many Bush administration initiatives, but that's another story.) **Rosenfeld**, in his blog, wants nursing homes to know of this somewhat threatening new wrinkle in their legal landscape.

The second blog questions whether facility management might be viewed as responsible for hiring staffers who abused a resident. Unlike the customary note sounded in these things, **Rosenfeld** does not take a punitive, holier-than-thou stance. Rather, he describes how administrators might better protect themselves and their residents with "common sense" hiring practices and building strong relationships with staff.

Why would a plaintiff's attorney go to this extent to be "helpful"? Perhaps, at heart, he shares the objective of most of our readers: to improve long-term care. Considering the source--from "the Other Side"--this might be the most hard-edged legal guidance you could hope for.

Yes, we're "approaching the edge" in many ways, to get the best, most helpful information we can for our readers. We look forward to continuing this, both in print and online.

by Richard L. Peck, Editor-in-Chief

To send your comments to the editors, e-mail peck0309@ltimagazine.com.

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