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New Mexico Jury Requires Presbyterian Hospital to Pay \$7.75 million for Hospital Acquired Pressure Ulcer

Jury Award includes \$2.25 Million in Punitive Damages to “Send Message” that Presbyterian Must Enforce Patient Safety Policies.

ALBUQUERQUE, NEW MEXICO, April 27, 2017 -- After two weeks of testimony, and a full day of deliberations, an Albuquerque jury returned a verdict Thursday evening requiring Presbyterian Healthcare Services to fix the problems from a permanent Stage 4, hospital acquired pressure ulcer that developed while Michael Webb was sedated and restrained at Presbyterian Hospital for 19 days.

“The one place a helpless patient should be safe from developing pressure ulcers is in the Intense Care Unit of the second largest hospital in the state,” said attorney Randi McGinn.

Ms. McGinn and Elicia Montoya, of [McGinn, Carpenter, Montoya & Love, P.A.](#), served as local counsel and tried the case along with Texas attorneys Tom Rhodes and Robert Brezinski, on behalf of Mr. Webb and his wife, Tammy Bruyere.

Evidence was presented at trial that Presbyterian violated the standard of care by not training and enforcing the rules in its own “Pressure Ulcer Prevention Policy,” which required that nurses “shall” “...turn and reposition immobile patients and patients with limited mobility **every 2 hours** or more frequently as needed.”

Over the course of his 19 day stay in December of 2011, this policy was repeatedly violated and the unconscious Mr. Webb was left laying on his backside for long stretches of more than two hours at a time.

Six days after arriving in the Presbyterian ICU, Mr. Webb developed a skin wound. Although noted, the wound was not evaluated by the wound care team for another 5 days. By that time, it had developed into a 13x13 centimeter pressure ulcer.

The two hour policy continued to be violated even the pressure ulcer was diagnosed. By the time he left the hospital, the skin on his backside had died all the way down to the bone. Once debrided, it left a fist-sized hole.

Mr. Webb was transferred to a rehabilitation facility for six weeks. The wound continues to require daily care and re-opens to the present day.

In addition to awarding compensatory damages of \$4,000,000 to Mr. Webb and \$1,500,000 to his wife, who is now his 24/7 caregiver, the jury awarded \$2,250,000 in punitive damages. Several jurors who spoke to counsel after the verdict, said they wanted to send a message to Presbyterian to fix this on-going problem at the hospital and make it safer for future patients.

“Because pressure ulcers are easily prevented and are so devastating, it is our sincere hope that this verdict leads to re-training at the hospital to spare other patients the same fate,” said attorney Elicia Montoya.

Michael Webb and Tammy Bruyere are extremely thankful to the jurors for their time spent hearing the evidence and carefully deliberating. They celebrated the verdict with a dinner at Cracker Barrel.

Other members of the plaintiffs’ trial team included Katie Curry, Chris Papaleo, Allegra Carpenter, Erin Oglesby, and Laura Porter.

SECOND JUDICIAL DISTRICT, New Mexico County for Bernalillo, *Michael A. Webb and Tammy Lee Bruyere v. Presbyterian Healthcare Services*, No. D-202-CV-2012-04942.

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