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COMMON PLEAS COURT
SCIOTO COUNTY OHIO
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IN THE COURT OF COMMON PLEAS
SCIOTO COUNTY, OHIO

ESTATE OF BEVERLY FRANCES BAILEY, DECEASED Through Estate Representative Jennifer Malone c/o Michael Hill Trial Law 815 Superior Avenue, Suite 623 Cleveland, Ohio 44114 Plaintiff, vs. BEST CARE HEALTH AND REHABILITATION AKA BEST CARE HEALTH AND REHABILITATION, LLC 2159 Dogwood Ridge Road Wheelersburg, OH 45694 Also Serve c/o Registered Agent: c/o Registered Agent: CT Corporation System 4400 Eason Commons Way, Suite 125 Columbus, OH 43219 and JOHN DOES 1 – 10 NAMES UNKNOWN 2159 Dogwood Ridge Road Wheelersburg, OH 45694 EXCEPTIONAL LIVING CENTERS AKA EXCEPTIONAL LIVING CENTERS, LLC c/o Registered Agent: CT Corporation System 4400 Eason Commons Way, Suite 125 Columbus, OH 43219 and MEDICAL REHABILITATION CENTERS, LLC c/o Registered Agent:	CASE NO. JUDGE **COMPLAINT** **WITH JURY DEMAND** **MOTION FOR EXTENSION OF TIME FOR AFFIDAVIT OF MERIT FILED HEREWITH**

CT Corporation System)
4400 Eason Commons Way, Suite 125)
Columbus, OH 43219)
)
and)
)
LEXINGTON HEALTH MANAGEMENT LLC)
c/o Registered Agent:)
W. Thomas Watts, Jr.)
1050 Chinoe Road, STE 350)
Lexington, KY 40502)
and)
)
CRYSTAL CARE CENTER OF FRANKLIN)
FURNACE AKA MCKENNA HEALTHCARE)
OF FRANKLIN FURNACE INC.)
4734 Gallia Pike)
Franklin Furnace, OH 45629)
)
JOHN DOES 11 – 20)
NAMES UNKNOWN)
4734 Gallia Pike)
Franklin Furnace, OH 45629)
)
and)
)
HILLSTONE HEALTHCARE INC.)
c/o Registered Agent)
Paul Bergsten)
544 Enterprise Dr., Suite C)
Lewis Center, OH 43035)
)
and)
)
HIDDEN HAWK LLC)
c/o Registered Agent)
Jerry W. Smith)
5375 Teeter Road)
Butler, OH 44822)
)
PAUL BERGSTEN)
HILLSTONE HEALTHCARE INC.)
544 Enterprise Dr., Suite C)
Lewis Center, OH 43035)
)
MATTHEW DAPORE)
HILLSTONE HEALTHCARE INC.)

544 Enterprise Dr., Suite C)
Lewis Center, OH 43035)
)
ANTHONY WHEATON)
HILLSTONE HEALTHCARE INC.)
544 Enterprise Dr., Suite C)
Lewis Center, OH 43035

Plaintiff, the Estate of Beverly Frances Bailey, Deceased, through Estate Representative Jennifer Malone, for this Complaint against the above-named Defendant(s), states and avers upon information and belief:

INTRODUCTION

1. This is a wrongful death cause of action involving Best Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC, Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., and currently unknown physicians and/or nurse practitioners' inadequate care of Beverly Frances Bailey and the corporate control of the facilities leading to such inadequate care that led to Beverly Frances Bailey's untimely and wrongful death on October 20, 2023.

2. Beverly Frances Bailey was 61 years old when she was admitted to Best Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC, for long-term residential care.

3. Upon admission, Best Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC was aware that Beverly was at high risk for developing infections and pressure wounds (aka "bed sores" or "pressure ulcers.")

4. Despite these known risks, Best Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC, their corporate owners, together with the currently unknown physicians and/or nurse practitioners identified as John Does 1 –

10, neglected Ms. Bailey's needs by failing to properly assess, plan for, or implement necessary care to prevent the development or worsening of bed sores.

5. As a result of the inadequate care provided by Best Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC, their corporate owners, together with the currently unknown physicians and/or nurse practitioners identified as John Does 1 – 10, Ms. Bailey developed a severe bed sore, which due to lack of proper treatment, progressed to the point that Ms. Bailey was sent to the hospital in September 2023.

6. After being sent to the hospital due to the severe bed sore, Ms. Bailey was discharged to a different nursing home facility, Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc.

7. While under the care of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., together with the currently unknown physicians and/or nurse practitioners identified as John Does 11 – 20, and the corporate owners of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., Ms. Bailey's condition further deteriorated because of improper care and treatment of Ms. Bailey's severe bed sore.

8. The unreasonable care provided by Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., currently unknown physicians and/or nurse practitioners identified as John Does 11 – 20, and the corporate owners of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., led to Ms. Bailey being sent back to the hospital once again in October of 2023.

9. Because of the severity of the bed sore and resulting infection that

developed and progressed while under the care of all Defendants, Ms. Bailey never recovered.

10. On October 16, 2023, Ms. Bailey was transferred to hospice.

11. On October 20, 2023, Ms. Bailey passed away, with the death certificate listing the cause of death as necrotizing fasciitis, a rare flesh-eating bacteria, due to sepsis.

12. Ms. Bailey's bed sore had been inadequately treated for such an extensive period of time, with all Defendants playing a role in this lack of proper treatment, that the wound progressed to such a point that the infection was too deep for Ms. Bailey to recover, and the infection from the wound eventually killed her.

13. The Defendants disregarded Beverly's safety, health, and rights in numerous ways, including failure to escalate wound infection concerns and failing to adjust the wound plan of care when her condition continued to deteriorate.

14. The disregard of Beverly's safety, health, and rights also resulted in the development of flesh-eating bacteria.

15. The disregard of Beverly's safety, health and rights by the Defendants caused her death on October 20, 2023.

16. Plaintiff requests a trial by jury.

17. A Motion to extend the timeframe permitted to file an affidavit of merit is being filed at the same time as this complaint.

18. Plaintiff brings this action for compensation for the wrongful death resulting from the negligence, recklessness, conscious disregard, reckless disregard, conduct by which—through heedless indifference to the consequences—the Defendants or their staff disregarded a substantial and unjustifiable risk that the health care

provider's conduct is likely to cause, at the time those services or that treatment or care were rendered, an unreasonable risk of injury, death, or loss to person or property, or intentional misconduct or willful or wanton misconduct, and other wrongful conduct described herein or discovered during litigation.

DEFENDANTS

19. Best Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC is an Ohio limited liability company that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Best Care Health and Rehabilitation.

20. John Does 1 – 10 are physicians and/or nurse practitioners who provided care, or lack thereof, to Beverly Bailey while she was a resident of Best Care Health and Rehabilitation. John Does 1 – 10's names are unknown and could not be discovered with reasonable diligence before the filing of this complaint.

21. Exceptional Living Centers AKA Exceptional Living Centers, LLC, is an Ohio limited liability company that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as various nursing homes, including Best Care Health and Rehabilitation.

22. Medical Rehabilitation Centers, LLC, is an Ohio limited liability company that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as various facilities, including Best Care Health and Rehabilitation.

23. Lexington Health Management, LLC, is a Kentucky limited liability company that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Best Care Health and Rehabilitation.

24. Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. is an Ohio for profit corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Crystal Care Center of Franklin Furnace.

25. John Does 11 – 20 are physicians and/or nurse practitioners who provided care, or lack thereof, to Beverly Bailey while she was a resident of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. John Does 11 – 20's names are unknown and could not be discovered with reasonable diligence before the filing of this complaint.

26. Hillstone Healthcare Inc. is a Delaware corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as various nursing home facilities, including Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc.

27. Hidden Hawk LLC is an Ohio limited liability company that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Crystal Care Center of Franklin Furnace AKA McKenna

Health Care of Franklin Furnace Inc.

28. Paul Bergsten is an owner of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., was aware of deficiencies in care provided to residents like Beverly Bailey, but chose to prioritize profits of the facility rather than addressing the deficiencies in care.

29. Matthew Dapore is an owner of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., was aware of deficiencies in care provided to residents like Beverly Bailey, but chose to prioritize profits of the facility rather than addressing the deficiencies in care.

30. Anthony Wheaton is an owner of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., was aware of deficiencies in care provided to residents like Beverly Bailey, but chose to prioritize profits of the facility rather than addressing the deficiencies in care.

31. The Corporate Defendants employ, manage, and direct the care and service providers who were responsible for Beverly Bailey's care, treatment, and safety at Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., while she was a resident at those facilities, and / or are responsible for creating unsafe conditions at the Facilities through their control of the Facility management that directly led to Beverly Bailey's untimely and wrongful death on October 20, 2023.

32. The Defendants direct and control operations at the Facilities and are therefore directly liable for mismanagement of the Facility without regard to piercing the corporate veil.

33. The Defendants' organization controls the other corporations in a way that

is so complete that the corporations have no separate mind, will, or existence of their own, is exercised in such a manner as to commit fraud or an illegal act against the person seeking to disregard the corporate entity; and injury or unjust loss resulted to the plaintiff from such control and wrong, meaning the Defendants should be held directly liable for such harms and losses.

34. Defendants collectively own, manage, control, and/or are responsible for the care delivered to residents of Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. directly or through their domination and control of any putative entity license holders.

35. Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. hold themselves out to the public as providers of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees, commonly referred to as "nursing homes."

VICARIOUS LIABILITY

36. The Defendants employ the care providers who were responsible for ensuring Beverly Bailey's care and safety.

37. The Defendants manage, control, and/or employ the nursing staff at the Facilities.

38. Beverly Bailey and her family looked to the Defendants for care based upon their representations.

39. The Defendants are vicariously liable for the negligent actions of their employees and agents (respondeat superior and agency liability) and/or independent contractors (Clark v. Southview agency by estoppel), including visiting physicians and

nurse practitioners contracted with any of the Defendants and / or provided to residents as default or house care providers.

JURISDICTION AND VENUE

40. This Court has Jurisdiction over Defendant(s) because, among other things, all Defendant(s) do, and all times relevant did, purposefully avail themselves of the laws of the State of Ohio, and/or committed tortious acts within the State of Ohio.

41. Venue is proper in Scioto County, Ohio under Civil Rule 3(B) because, among other reasons: (a) one or more Defendants reside, domicile, or carry on their principal place of business in that county; and (b) part of the claim for relief arose in that county.

COMMON FACTS

42. The Defendants hold themselves out to the public as providers of long-term nursing home, skilled nursing, and memory care services.

43. The Defendants' for-profit model means their primary goal is to maximize profit, measured by revenues minus expenses.

44. For nursing homes generally, the largest individual revenue source is residents (filling beds), and the largest individual expense is the cost of employing nursing staff to provide care to those residents. This creates a financial incentive to take on more residents with greater care needs than the nursing staff can properly care for, a violation of federal nursing home regulations regarding staffing levels.

45. The Defendants manage, control, and / or employ the nursing staff at Facility.

46. The Defendants exercise actual control over the Facilities' management and operations to maximize profits, including control over facility-level:

a. Policies and procedures, including regarding resident care;

b. Finances, including obtaining credit and loans, guaranteeing loans (both at the corporate and individual facility level), maintaining funds and banking, obtaining, owning, and leasing facility land and buildings, and capital expenditures.

c. Budgeting, including controlling the amount of funds available for staffing facilities;

d. Personnel management, including hiring and firing, or having authority to hire and fire, the supervisory and management personnel in each facility;

e. Supervision of management, care providers, and staff in each facility, including compliance with federal and state regulations;

f. Employment, such as setting pay scales, shifts, and time and vacation policies;

g. Systems for training, monitoring, and supervising staff;

h. Medical record systems and management;

i. Financial control systems, including budgeting and payment processing;

j. Marketing, including setting the image and expectations residents and their family should expect at the facility, and even the name of the facility;

k. Reporting procedures, including reporting to Medicare as to individual resident care and facility-wide issues.

47. As the result of this control, the Defendants make decisions that affect the day-to-day care of residents of the Facilities, such as the resources available for providing nursing staff and care to residents like Beverly Bailey, meaning they are responsible for the foreseeable harm that results from careless decisions while

voluntarily exercising that control.

48. The Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that the facilities were sufficiently staffed to meet the individual needs of its residents, including Beverly Bailey.

49. The Defendants engaged in a systemic practice to understaff the facilities to maximize profits at the expense of its residents' care.

50. This lack of sufficient staff directly resulted in Beverly Bailey not receiving basic and necessary services to prevent, among other things, neglect leading to her injuries and death.

51. The Best Care Health and Rehabilitation Defendants also exercise operational and managerial control, and apply this profits-over-safety model, at the following facilities in the State of Ohio:

Siena Woods Care Center
6125 North Main Street
Dayton, OH 45415

Dover Care Center
537 Spring Street
Dover, TN 37058

Park View Care Center
328 W Vine St
Edgerton, OH 43517

Bradford Place Care Center
1320 Millville Avenue
Hamilton, OH 45013

52. The Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. Defendants also exercise operational and managerial control, and apply this profits-over-safety model, at the following facilities in the State of Ohio:

Blue Ash Care Center

4900 Cooper Road
Cincinnati, OH 45242

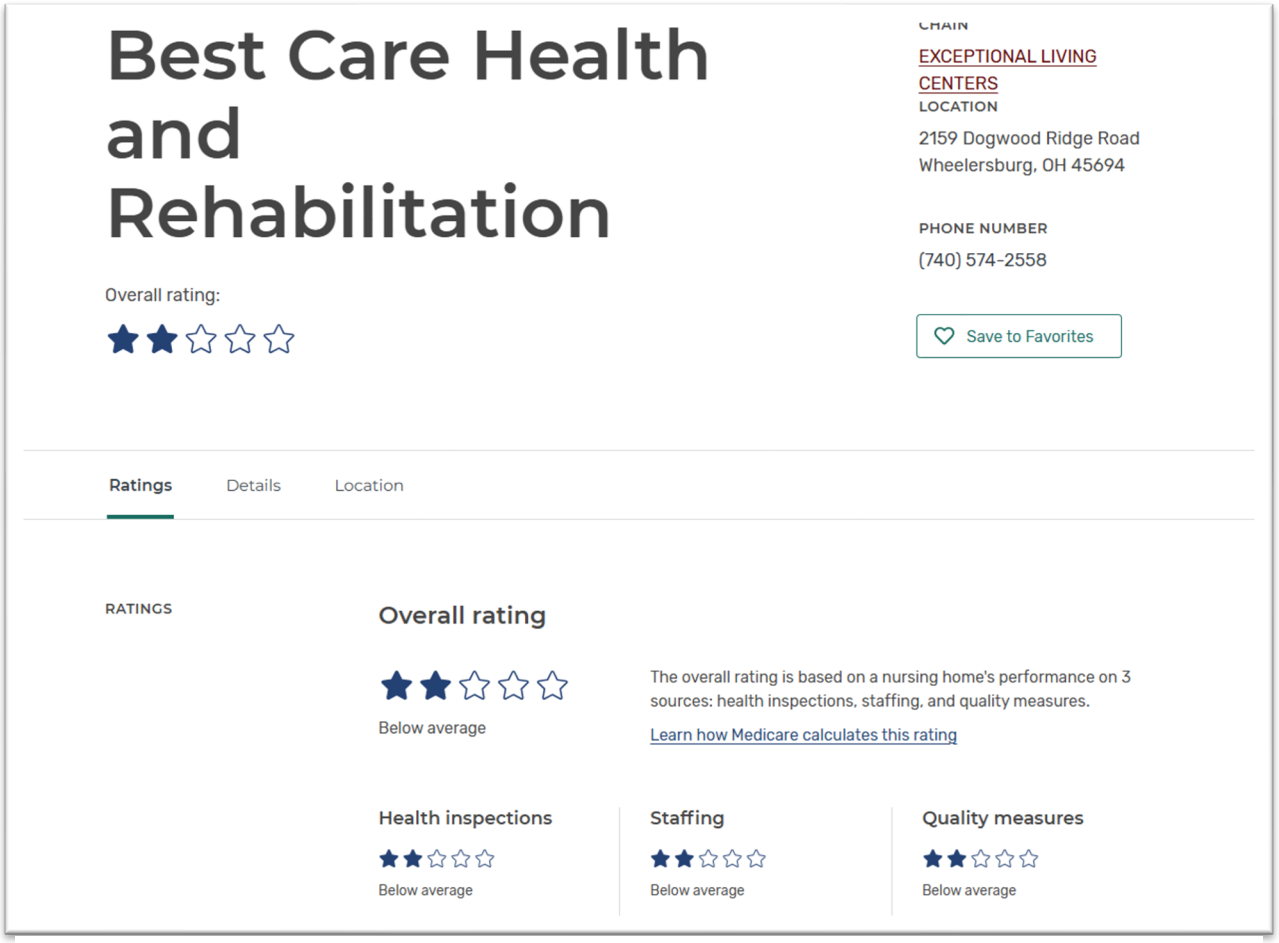
Bowerston Hills Nursing & Rehabilitation
9076 Cumberland Road
Bowerston, OH 44695

Colonial Nursing Center Of Rockford
201 Buckeye Street
Rockford, OH 45882

Crystal Care Of Coal Grove
813 1/2 Marion Pike
Coal Grove, OH 45638

More than 30 other facilities in Ohio as well.

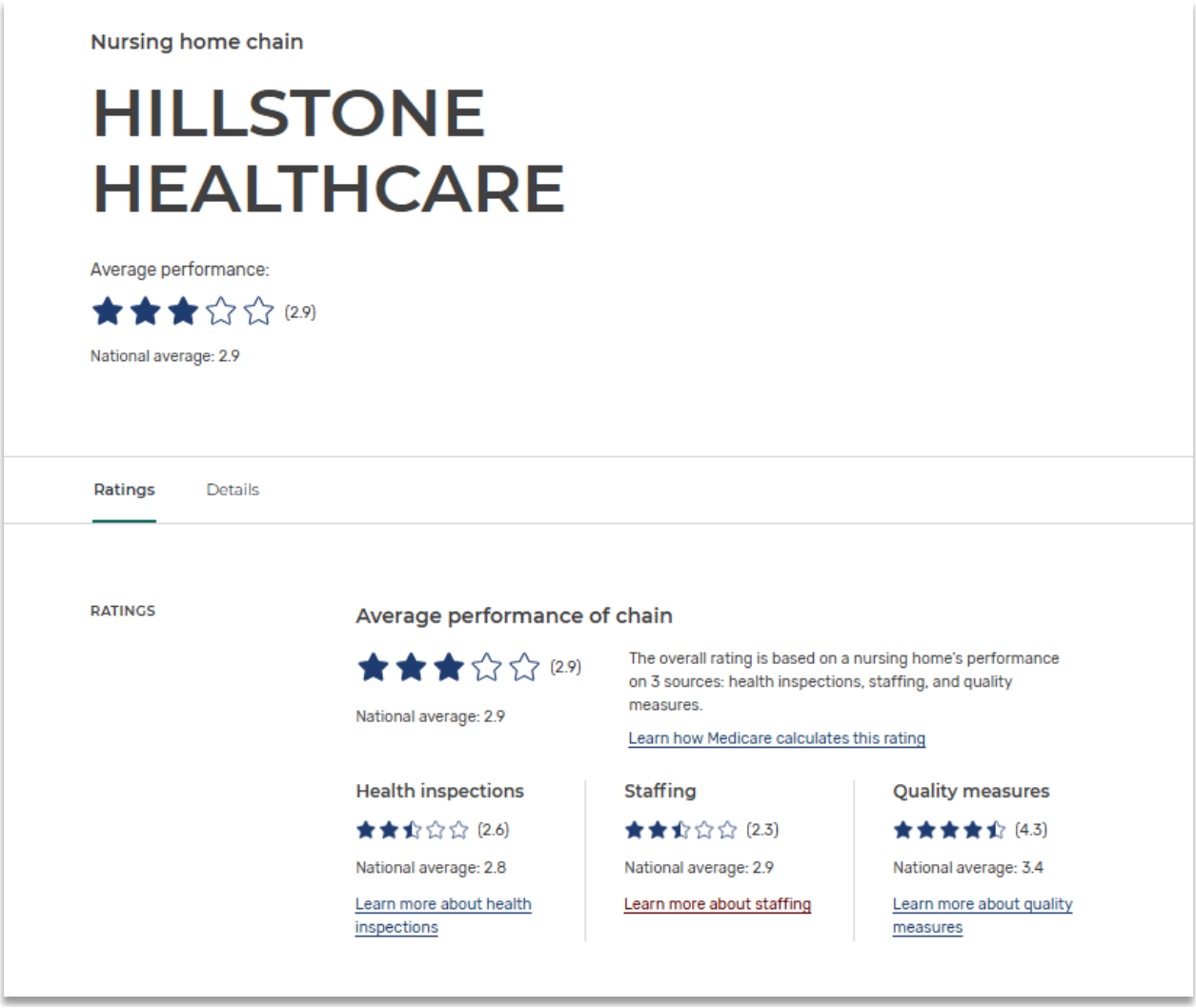
53. The Best Care Health and Rehabilitation Defendants' systemic understaffing of the Facility resulted in a "2-star" ("below average") ranking for staffing on the Medicare.gov Nursing Home Compare website, reflecting lower staffing levels than most nursing homes in the country. This lack of sufficient staff directly resulted in Beverly Bailey not receiving basic and necessary services to prevent, among other things, neglect leading to her injuries and death.



According to the Centers for Medicare and Medicaid, Best Care Health and Rehabilitation aka Best Care Health and Rehabilitation, LLC, earned a two star, or "below average" rating for Health Inspections, Staffing, and Quality Measures, and a two star or "below average" overall rating. This data was taken directl from medicare.gov on October 12, 2025.

54. Defendants Hillstone Healthcare, Inc., Hidden Hawk LLC, Paul Bergsten, Matthew Dapore, and Anthony Wheaton's systemic understaffing of the nursing homes owned and operated by the Defendants, including Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., resulted in an average of a 2.3 star ranking for Staffing across all nursing homes owned and operated by the Defendants on the Medicare.gov Nursing Home Compare website, reflecting lower staffing levels than most nursing homes in the country which average at 2.9 stars for

Staffing. This lack of sufficient staff directly resulted in Beverly Bailey not receiving basic and necessary services to prevent, among other things, neglect leading to her injuries and death.



According to the Centers for Medicare and Medicaid, Hillstone Healthcare earned a 2.3 star average rating for Staffing across all homes in their control, including Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. This is below the national average for staffing of nursing homes. This data was taken directl from medicare.gov on October 12, 2025.

55. At all times relevant the Defendants knew that their pattern and practice of systemic understaffing resulted in an environment where residents' needs were not

met, where residents' rights were violated, and where residents were not kept safe from injury or harm while under the care of the Best Care Health and Rehabilitation.

56. At all times relevant the Defendants knew that their patterns and practice of systemic understaffing was causing harm to their residents, resulting in increased instances of falls, infections, bedsores, and other injuries among their residents, and that these injuries and harms even resulted in death of residents due to neglect by the caregivers at Best Care Health and Rehabilitation.

57. At all times relevant the Defendants knew that federal law required that instances of injury to residents at the Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. be reported to the Centers for Medicare and Medicaid Services, which would negatively impact the facility's "Quality Measures" rating on the publicly available Medicare Nursing Home Compare webpage.

Reporting Data – Nursing Home

58. The Defendants are required to report significant amounts of data to the federal agency that oversees operations of nursing homes receiving federal or state funding, the Centers for Medicare and Medicaid Services, or "Medicare."

59. The data the Defendants submit to Medicare regarding its facility includes data on its residents (numbers, care needs, and bed days), its finances, and its nurse and nursing aide staffing levels as compared to resident care needs.

60. This data is certified correct by the Defendants and / or submitted under penalty of perjury and / or civil or criminal penalties.

61. Medicare uses some of this data submitted by Defendants to produce its nursing home 5-star rating system, also known as "Nursing Home Compare."

Nursing Home Resident Care Needs and Staffing Levels

(MDS and PDPM Scores)

62. Every nursing home receiving Medicare or Medicaid funding—the clear majority of nursing homes, including Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. and others operated and / or controlled by Defendants—is required to provide detailed information regarding the health status, care and treatment, and services provided to each resident in the facility using a questionnaire called the Minimum Data Set, or MDS. This evaluation is done for all nursing home residents regardless of whether their care is being paid for by Medicare.

63. Nursing homes like Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. are required to evaluate every resident using the Minimum Data Set questionnaire shortly after the time of admission, every 90 days thereafter, when a resident has a significant improvement or decline in health (physical, mental, or psychosocial), and upon discharge.

64. Based on this Minimum Data Set, each resident's individual care needs (called "acuity level") are assigned into a group signifying how much nursing or staff care the resident requires, called a Patient-Driven Payment Model score, or PDPM score. The PDPM score is calculated for physical therapy, occupational therapy, speech-language pathology, non-therapy ancillary services, and nursing services.

65. Each resident's PDPM score for nursing services is contained in the patient's Minimum Data Set evaluations, meaning the total nursing care needs of the residents in any facility at a specific time is available by totaling the residents' PDPM

scores from various sections of the Minimum Data Set evaluations corresponding to increased needs for nursing care.

66. When these PDPM scores are combined for all residents in a nursing home facility, the nursing home knows exactly how many minutes of nursing and nursing aide care should be provided, on average, to meet the expected care needs of their residents.

Misleading Advertising

67. In an effort to persuade the families of patients to become customers, The Defendants make promises to the families of such potential residents that they will provide a level of care that they know they are incapable of providing.

68. The intent and outcome of this misleading practice is to cause residents, their families, and external care providers to believe the nursing facility is much better staffed to provide the promised care than what is actually the practice of the Defendants with regard to staffing the Facility.

69. The intent and outcome of this misleading practice is to drastically limit the budget and overhead needed to run a safe facility in order to maximize profits and syphon resources at the expense of patient safety.

70. The Defendants know their systemic understaffing of the Facility results in chronic failures to meet resident care needs, and that the failure to meet resident care needs results in instances of injuries, bedsores, falls, and infections. These must be reported to Medicare by law which in turn reduces the Facility's "Quality Measures" score.

71. The Defendants know a facility with a low "Quality Measures" score will likely not be chosen by families and care providers for patients, and so the Defendants manipulate the "Quality Measures" score by reclassifying certain injuries and incidents

as non-reportable injuries and incidents. For example, a pressure wound or bedsore can be identified as something else – such as a skin tear or abrasion – resulting in the bedsore not getting reported to Medicare and the "Quality Measures" score not being impacted.

72. The intent and outcome of this misleading practice is to maintain the illusion to residents, their families, and external care providers that the care provided by the facility and patient outcomes are as good or better than competitors.

Systemic Understaffing and Beverly Bailey's Care

73. The Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. were sufficiently staffed, and the staff appropriately trained and informed, to meet the individual needs of Beverly Bailey during the period she was a resident at the facility.

74. The Defendants engaged in a systemic practice to understaff Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. to maximize profits at the expense of its residents' care.

75. This lack of sufficient staff directly resulted in Beverly Bailey not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to her injuries at Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. during the period they were a resident at the Facility.

Manipulating Quality Measures, and Beverly Bailey's Care

76. The Defendants knew that Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. was not sufficiently staffed, and as a result the residents at the Facility suffered increased falls, bedsores, infections, and injuries.

77. Defendants engaged in a systemic practice to manipulate data sent to Medicare by underreporting falls, bedsores, infections, and injuries among their residents, which artificially inflated their "Quality Measures" rating.

78. Beverly Bailey, her family, and her providers relied on these misleading and inflated "Quality Measures" ratings to choose Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. for Beverly's care, and would not have chosen the Facility if the Defendants accurately reported instances of falls, bedsores, infections, and injuries to Medicare.

79. The Defendants' pattern and practice of insufficient staffing and manipulating "Quality Measures" ratings to conceal this fact directly resulted in Beverly Bailey not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to their injuries at Best Care Health and Rehabilitation and Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc. during the period they were a resident at the Facility.

Defendants' Negligence and Recklessness with Beverly Bailey

80. The Defendants accepted Beverly Bailey as a nursing home resident for long-term care.

81. The Defendants agreed to accept Beverly Bailey into their Facility and provide care to her in exchange for monetary payment.

82. Beverly Frances Bailey was 61 years old when she was admitted to Best

Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC, for long-term residential care.

83. Upon admission, Best Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC was aware that Beverly was at high risk for developing infections and pressure wounds (aka "bed sores" or "pressure ulcers.")

84. Despite these known risks, Best Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC, their corporate owners, together with her medical providers, neglected Ms. Bailey's needs by failing to properly assess, plan for, or implement necessary care to prevent the development or worsening of bed sores.

85. As a result of the inadequate care provided by Best Care Health and Rehabilitation AKA Best Care Health and Rehabilitation, LLC, their corporate owners, together with Ms. Bailey's medical providers, Ms. Bailey developed a severe bed sore, which due to lack of proper treatment, progressed to the point that Ms. Bailey was sent to the hospital in September 2023.

86. After being sent to the hospital due to the severe bed sore, Ms. Bailey was discharged to a different nursing home facility, Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc.

87. While under the care of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., currently unknown physicians and/or nurse practitioners', and the corporate owners of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., Ms. Bailey's condition further deteriorated because of improper care and treatment of Ms. Bailey's severe bed sore.

88. The unreasonable care provided by Crystal Care Center of Franklin

Furnace AKA McKenna Health Care of Franklin Furnace Inc., currently unknown physicians and/or nurse practitioners', and the corporate owners of Crystal Care Center of Franklin Furnace AKA McKenna Health Care of Franklin Furnace Inc., led to Ms. Bailey being sent back to the hospital once again in October of 2023.

89. Because of the severity of the bed sore and resulting infection that developed and progressed while under the care of all Defendants, Ms. Bailey never recovered.

90. On October 16, 2023, Ms. Bailey was transferred to hospice.

91. On October 20, 2023, Ms. Bailey passed away, with the death certificate listing the cause of death as necrotizing fasciitis, a rare flesh-eating bacteria, due to sepsis.

92. Ms. Bailey's bed sore had been inadequately treated for such an extensive period of time, with all Defendants playing a role in this lack of proper treatment, that the wound progressed to such a point that the infection was too deep for Ms. Bailey to recover, and the infection from the wound eventually killed her.

93. The Defendants disregarded Beverly's safety, health, and rights in numerous ways, including failure to escalate wound infection concerns and failing to adjust the wound plan of care when her condition continued to deteriorate.

94. The disregard of Beverly's safety, health, and rights also resulted in the development of flesh-eating bacteria.

95. The disregard of Beverly's safety, health and rights by the Defendants caused her death on October 20, 2023.

FIRST CAUSE OF ACTION
(WRONGFUL DEATH)

96. Plaintiff incorporates all other paragraphs of this Complaint as if fully rewritten herein.

97. Beverly Bailey depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

98. The Defendants had a duty to provide proper care and treatment to Beverly Bailey and to avoid causing injury to Beverly Bailey.

99. The Defendants, including their medical and nursing staff, failed to provide proper care and treatment to Beverly Bailey, which they knew or should have known they required, and their negligence was the direct and proximate cause of the injuries that Beverly Bailey suffered.

100. The Defendants' failure to provide proper care and treatment included, but is not limited to:

a. Choosing to put inadequate prevention and response interventions in place to prevent injuries;
b. Choosing to provide inadequate resident observation, supervision, and monitoring;
c. Choosing to provide improper training to staff members regarding resident monitoring, assessment, response, infection detection, and treatment;
d. Choosing to provide too few, and / or underqualified nursing staff members for resident needs at each facility to protect and provide adequate care to residents like Beverly Bailey;
e. Choosing to not provide accurate, adequate, or timely information to Beverly Bailey's family;

f. Choosing to violate orders relating to care of Beverly Bailey;

g. Choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities by which residents like Beverly Bailey are a member of the class of persons intended to be protected from injuries like those she suffered;

h. Failing to ensure the rights and safety of its residents, including Beverly Bailey, as required by Ohio and federal regulations;

i. Choosing not to provide appropriate care to Beverly Bailey while they were a resident of the Facilities; and

j. Such other acts or omissions described in this Complaint or discovered in litigation.

101. The departures from the standard of care are evidenced by violations of sections of Federal Regulations, 42 C.F.R. § 483 et seq., and Ohio Administrative Code sections, OAC 3701-17 et seq., and the Ohio Resident's Rights Law, R.C. section 3721.13.

102. As a direct and proximate result of the negligence / recklessness described above, Beverly Bailey sustained injuries that caused their untimely and wrongful death.

103. Beverly Bailey's next-of-kin suffered damages as set forth in the Ohio Wrongful Death statute, R.C. 2125.01 et seq., including mental anguish and grief and loss of Decedent's society and companionship.

104. WHEREFORE, Plaintiff demands judgment against Defendants, in an amount more than $25,000.00 to compensate the decedent's next of kin and heirs at law, together with costs of suit, attorneys' fees and expenses, and any other relief the court finds is appropriate and / or equitable.

A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ C. Joseph McCoy

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