

Can a Hospital Be Liable When a Patient Falls and Suffers a Serious Injury?

A Palm Beach Gardens Medical Malpractice Lawyer Who Handles Hospital Falls

A hospital fall is not always a simple accident. Some falls occur because of a preventable failure to follow basic safety precautions. Patients recovering from surgery, sedation or serious illness rely on hospital staff to prevent fall injuries. When staff fail to do so, the resulting fall may be a case of [medical malpractice](#) as defined under Florida law. The hospital may also be liable, meaning it may be legally responsible for the patient's injuries.

Unfortunately, hospital falls remain very common. Each year, roughly 700,000 to 1,000,000 people fall in a hospital in the United States, according to the [Agency for Healthcare Research and Quality \(AHRQ\)](#). Those falls can lead to fractures, head injuries and other serious harm. [AHRQ](#) reports that more than one-third of in-hospital falls result in injury.

[The Law Offices of Casey D. Shomo, P.A.](#) represents injured Florida patients and families dealing with hospital falls. Mr. Shomo is a Palm Beach Gardens medical malpractice attorney. He has spent more than three decades litigating malpractice cases on both sides of the courtroom. He now uses that experience to hold negligent hospitals and nursing staff accountable. Florida law treats some hospital falls as ordinary accidents. It treats others as [medical malpractice](#). That difference can shape how a case proceeds.

Why Do Hospitals Have a Legal Duty to Prevent Patient Falls?

Hospitals have a duty to provide patients with appropriate care while they are receiving treatment. That duty includes keeping the physical environment safe and monitoring each patient closely enough to catch changes in condition. Patients recovering from surgery, sedation or serious illness often cannot protect themselves the way a healthy person could. Hospitals must plan around that vulnerability rather than treat every patient the same way.

Florida law measures hospital conduct against the standard of care. That standard means the level of care a reasonably prudent similar provider would offer under the circumstances. [Florida Statutes section 766.102](#) sets that legal benchmark for medical negligence claims. A hospital that ignores an obvious fall risk can fall short of that standard.

Meeting that standard usually starts with a fall-risk assessment when a patient is admitted or transferred. Nurses look at mobility, medication side effects, confusion, recent surgery and other warning signs. A thorough assessment can guide the level of supervision, equipment and assistance a patient needs. Skipping that step, or ignoring what it reveals, can set the stage for a preventable injury.

What Fall-Prevention Measures Should Hospitals Use?

Hospitals have several tools available to reduce fall risk once a patient is identified as vulnerable. No single measure works for every patient. Nursing staff must match the right combination of precautions to each individual. The following measures appear often in hospital fall-prevention policies and in malpractice cases involving a failure to use them.

- **Fall-Risk Assessment on Admission** - A structured screening tool can flag patients with mobility problems, confusion, recent falls or medications that affect balance.
- **Bed and Chair Alarms** - An alarm can alert staff the moment a high-risk patient tries to get up without help.
- **Assistance With Toileting** - Prompt help getting to the bathroom can prevent the rushed, unsupervised attempts that cause many hospital falls.
- **Non-Slip Footwear and Clear Pathways** - Simple environmental steps can reduce the chance of a slip on a wet floor or a trip over equipment.
- **Adequate Nursing Staffing** - Enough staff on a unit can mean the difference between a quick response and a patient left alone too long.
- **Regular Rounding and Reassessment** - Checking on patients at set intervals can catch new confusion, pain or medication effects before a fall happens.

These measures work best as a coordinated plan rather than a checklist completed once and forgotten. A patient's risk can change hour to hour after surgery, a new medication or a change in mental status. Hospital records may show that staff reassessed that risk and adjusted precautions as the patient's condition changed. Missing that documentation can become a central issue in a malpractice case.

When Does a Hospital Fall Become a Medical Malpractice Claim?

Not every hospital fall becomes a medical malpractice case. Florida law defines a claim for medical malpractice in a specific way. It must arise from the rendering of, or the failure to render, medical care or services. [Florida Statutes section 766.106](#) sets out that definition. A fall caused by a wet floor with no warning sign can resemble an ordinary premises liability claim. That kind of claim rests on a property hazard rather than a medical decision.

A fall becomes a different kind of case when the reason a patient fell involves medical judgment. Examples include a missed fall-risk assessment, an ignored medication side effect or an unsupervised confused patient. When fall prevention depends on clinical judgment, such as assessing a patient's medical condition and determining the level of supervision needed, a resulting claim may fall within medical negligence rather than ordinary negligence.

That classification matters beyond legal theory. Under [Florida Statutes section 766.203](#), Florida medical malpractice claims generally require a presuit investigation and a verified written opinion from a medical expert supporting reasonable grounds for the claim. An ordinary

negligence claim does not carry that same requirement. Sorting out which category applies often takes an experienced Florida [personal injury](#) lawyer familiar with both types of claims.

How Do Lawyers Prove a Hospital Fall Was Preventable?

Nursing documentation often becomes the most important evidence in a hospital fall case. Charts should show the fall-risk score at admission, any later changes and the precautions actually used. A Palm Beach Gardens medical malpractice attorney can request these records early and preserve important documentation about the patient's care. Gaps in that paper trail can raise questions about whether staff followed the hospital's own fall-prevention policy.

Proving a breach in the standard of care answers only part of the question. A lawyer must also show causation, meaning that the hospital's failure caused or contributed to the patient's injury. Medical experts often review whether proper supervision, equipment or staffing would likely have prevented the specific fall that occurred.

Hospitalized patients may be particularly vulnerable to serious injuries from a fall. Patients recovering from surgery or already weakened by illness may suffer fractures, head injuries or other serious harm. Those injuries can heal slowly, if at all. That added vulnerability is part of why hospitals owe such a careful duty in the first place.

What Compensation Can Injured Patients Recover?

A serious fall can change a patient's life well beyond the initial injury. Florida law allows injured patients to pursue financial compensation to cover losses caused by another party's negligence. The available categories depend on the severity of the fall and the harm it caused.

- **Past and Future Medical Expenses** - Compensation can include hospital care, surgery, rehabilitation and any long-term treatment the fall made necessary.
- **Lost Wages and Reduced Earning Capacity** - A long recovery or lasting limitations can affect a patient's ability to work and earn income.
- **Pain and Suffering** - Florida law allows recovery for the physical pain and emotional toll a serious fall can cause.
- **Wrongful Death Compensation** - When a fall proves fatal, certain survivors and the estate may be able to recover damages permitted under Florida's wrongful death laws. Available damages depend in part on the survivor's relationship to the deceased.

The value of a fall case depends on the specific evidence behind each loss. Medical bills and records can document treatment costs. Employment records can show missed income and reduced future earnings. A careful investigation into what the hospital knew, and when, often shapes how strong that evidence becomes.

How Long Do Florida Patients Have to File a Claim?

Filing deadlines in Florida depend in part on how a fall case gets classified. [Florida Statutes section 95.11](#) generally provides a two-year limitations period for negligence claims. Medical malpractice claims follow additional timing rules. Under that statute, a medical malpractice action generally must be brought within two years of the incident or within two years after the incident is discovered, or should have been discovered through reasonable diligence.

Medical malpractice claims also generally carry a four-year outer deadline from the date of the incident. Florida law recognizes exceptions, including cases involving fraud, concealment or intentional misrepresentation. The statute also contains a special rule for claims brought on behalf of a minor on or before the child's eighth birthday. Ordinary negligence claims, such as some premises liability falls, may follow a different timeline.

The classification of a fall case is not always obvious at the outset. Waiting too long to investigate can create real problems as a result. A lawyer needs time to review medical records, nursing notes and hospital policies. That review often comes before the correct deadline can even be identified. Acting quickly can protect a family's options while the details are still fresh.

How Can a Palm Beach Gardens Medical Malpractice Lawyer Help After a Hospital Fall?

Hospital fall cases in Palm Beach Gardens and across Florida often involve competing explanations for what went wrong. Hospitals and insurance companies may argue the fall was unavoidable or blame the patient for moving without help. Sorting out what the hospital knew takes careful review. That review often covers medical records most patients never see, as well as internal fall-prevention policies.

Mr. Shomo has spent decades reviewing hospital records and nursing documentation from both sides of malpractice litigation. That experience helps him recognize when a fall-risk assessment was rushed, ignored or never updated. [The Law Offices of Casey D. Shomo, P.A.](#) can gather those records and consult qualified medical experts. Together, our work can build a strong legal case around what the hospital should have done differently.

Mr. Shomo built his practice around one core belief: We Demand Accountability. A Palm Beach Gardens [medical malpractice lawyer](#) at our firm can review what happened during your hospital stay. That review can help explain the legal options that may apply. If a preventable fall hurt you or someone you love, [contact us](#) today for a free, confidential consultation.