

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM BEACH
COUNTY, FLORIDA

JOANNE TURIANO as Personal Representative of
the Estate of RENATE TURIANO,

Plaintiff,

v.

THE REHABILITATION CENTER AT JUPITER
GARDENS, LLC D/B/A JUPITER
REHABILITATION AND HEALTHCARE CENTER,

Defendant,

Case No.:

COMPLAINT

COMES NOW, Plaintiff, JOANNE TURIANO as Personal Representative of the Estate of
RENAME TURIANO, by and through the undersigned counsel and sues the Defendant, THE
REHABILITATION CENTER AT JUPITER GARDENS, LLC D/B/A JUPITER REHABILITATION
AND HEALTHCARE CENTER (hereinafter referred to as "Defendant"), and alleges:

GENERAL ALLEGATIONS

1. This is an action for damages that exceed FIFTY THOUSAND (\$50,000.00)
DOLLARS.
2. At all times material, RENATE TURIANO was admitted to Defendant's nursing
home located in Palm Beach County, Florida.
3. JOANNE TURIANO has been appointed Personal Representative of the Estate
of RENATE TURIANO.
4. Due to Defendant's negligence, RENATE TURIANO suffered pressure injuries,
malnutrition, lack of timely care and wrongful death four days post-discharge at Defendant's
facility.
5. Evidence of Defendant's negligence and neglect are as follows:
 - A. Prevent pressure injuries

- a. Ms. Turiano was admitted to Jupiter Rehab on 5/16/2024
 - b. Multiple Braden assessments confirmed that Ms. Turiano was at risk for skin breakdown
 - c. A skin risk care plan was created; however, the interventions failed to include the frequency of turning/repositioning, frequency of incontinent care, and use of pressure preventive interventions
 - d. Weekly skin assessments were not available for review
 - e. On 6/10/2024, Ms. Turiano was transferred to Jupiter Medical Center due to hypotension. On 6/10/2024, she was assessed with pressure injuries to her sacrum and right heel
 - f. On 6/12/2024, a wound consult revealed the following:
 - Right heel: DTPI, POA
 - Right toe: Unstageable pressure injury, POA
 - Sacrum: Stage 3 pressure injury, POA
- B. Document pressure injuries
- a. On 6/10/2024, Ms. Turiano was transferred to Jupiter Medical Center due to hypotension. On 6/10/2024, she was assessed with pressure injuries to her sacrum and right heel
 - b. On 6/12/2024, a wound consult revealed the following:
 - Right heel: DTPI, POA
 - Right toe: Unstageable pressure injury, POA
 - Sacrum: Stage 3 pressure injury, POA
 - c. There were no documentations regarding any pressure injuries in the records from Jupiter Rehab
- C. Complete skin assessments/skin checks
- a. Skin assessments were not available for review to establish Ms. Turiano's skin status
- D. Prevent a significant weight loss
- a. Ms. Turiano was admitted to Jupiter Rehab on 5/16/2024
 - b. On 5/16/2024, Ms. Turiano's recorded weight was 235 lbs.
 - c. On 6/5/2024, Ms. Turiano's recorded weight was 194.6 lbs.
 - d. On 6/8/2024, Ms. Turiano's recorded pre-dialysis weight was 189.6 lbs.
 - e. Ms. Turiano had a 45.4 lbs. weight loss from 5/16/2024 – 6/8/2024
- E. Monitor nutritional status
- a. Multiple notes indicated that Ms. Turiano had poor oral intake; however, the ADL records were not available for review to establish Mr. Turiano's food and fluid intake
 - b. A nutritional assessment was not available
 - c. Nutritional notes were not available
- F. Implement interventions to prevent a significant weight loss
- a. On 5/22/2024, a nutritional care plan was created. An intervention included to monitor oral intake of food/fluids; however, the ADL records were not available for review
 - b. Nutritional notes/assessments were not available for review
 - c. There were no documentations regarding additional nutritional interventions, such as: supplements, fortified foods, fortified desserts, pudding, ice cream, food preferences, calorie count, assistance with eating, or alternate route of nutrition

- G. Implement a physician order timely
- On 6/1/2024, an order for Marinol twice daily for anorexia was implemented; however, the first administration of Marinol was not documented until 6/5/2024 due to medications unavailable, a total of 8 possible missed doses
 - On 6/3/2024, an order for Megace daily x3 days for poor appetite was implemented; however, Megace was only given on 2 out of 3 days
- H. Revise a nutritional plan of care
- On 5/22/2024, a nutritional care plan was created. Given Ms. Turiano's persistent weight loss, there were no revision/updates to the nutrition care plan
 - Appetite stimulants were implemented; however, the nutrition care plan was not updated
- I. Complete a change in condition assessment
- Ms. Turiano had multiple changes in her conditions; however, there were several missing changes in condition assessments:
 - 5/28/2024: diarrhea
 - 5/29/2024: cough
 - 6/1/2024: low grade temperature
 - 6/1/2024: poor appetite
 - 6/3/2024: poor appetite
 - 6/5/2024: weight loss
 - 6/5/2024: abdominal pain
 - 6/9/2024: hypotension
 - 6/10/2024: hypotension
- J. Evaluate for a transfer to a higher level of care timely
- Ms. Turiano was at Jupiter Rehab for 26 days. She experienced multiple events including diarrhea, cough/pneumonia, abdominal pain, significant weight loss, and persistent hypotension
 - There were no documentations regarding collaboration with the medical team regarding a transfer to a higher level of care. Given Ms. Turiano's multiple events, a comprehensive assessment should have been completed to determine a need for a higher level of care sooner
- K. Transfer to a higher level of care timely
- On 6/10/2024, Ms. Turiano was transferred to Jupiter Medical Center. Records indicated that Ms. Turiano's daughter prompted and requested a hospital transfer
 - On 6/10/2024, a 911 audio recording revealed that Ms. Turiano was hypotensive with a blood pressure of 86/56
 - A note from Palm Beach County Fire Rescue revealed "Staff on scene stated that PT is acting normally and gave breathing treatment at the request of the family. Staff stated that PT is currently being treated for pneumonia and sepsis. Rescue19 assessed PT and noted PT is hypotensive and breathing rapidly."
- L. Maintain complete and accurate medical records
- There were multiple pieces of missing records:
 - Nursing admission assessment
 - Nutrition assessment and notes
 - ADL flowsheets
 - Skin assessment/skin checks

- Multiple change in condition assessments:
 - 5/28/2024: diarrhea
 - 5/29/2024: cough
 - 6/1/2024: low grade temperature
 - 6/1/2024: poor appetite
 - 6/3/2024: poor appetite
 - 6/5/2024: weight loss
 - 6/5/2024: abdominal pain
 - 6/9/2024: hypotension
 - 6/10/2024: hypotension

6. At all times material hereto Defendant was vicariously liable for all acts and/or omissions of its agents (actual and apparent), employees, servants and administrators.

7. Defendant owned, operated and managed the nursing home during Plaintiff's residency and as such owed Plaintiff a duty to exercise reasonable care in its operation of the nursing home according to §400.023(3), Florida Statutes.

8. Plaintiff has performed all conditions precedent to bringing this action as required by Chapter 400 of the Florida Statutes.

COUNT I – CHAPTER 400 DEATH CLAIM

Plaintiff re-alleges paragraphs 1-8 herein.

9. Pursuant to Section 400.022, Florida Statutes, and the state rules and regulations adopted and promulgated there under, along with all applicable Federal Regulations, all of which constitute a part of the established and recognized standard of care within the community, Defendant owed a duty to Plaintiff to ensure that her rights were not violated, deprived or infringed upon in any way.

10. The foregoing rights include, but are not limited to:

a. The right to receive adequate and appropriate health care and protective and support services, including social services; mental health services, if available; planned recreational activities; and therapeutic and rehabilitative services consistent with the resident care plan, with established and recognized practice standards within the community, and with rules as adopted by the agency;

b. The right to be treated courteously, fairly, and with the fullest measure of dignity; and

c. The right to be free from mental and physical abuse.

11. These statutorily mandated responsibilities include providing appropriate staff with sufficient training to implement the provisions of Section 400.022, Florida Statutes.

12. Defendant owed a duty to Plaintiff to properly hire, retain and supervise nurses on Defendant's staff and to ensure that any such licensed nurses exercised care consistent with the prevailing professional standard of care for a nurse.

13. Defendant's responsibilities and obligations to Plaintiff are non-delegable such that Defendant has direct liability for violations, deprivations or infringements by any person or entity under Defendant's control, direct or indirect including the employees, agents, servants, administrators, consultants, and independent contractors, whether in-house or outside entities, individuals, agencies or pools.

14. Notwithstanding the duties and obligations of Defendant to prevent violations, deprivations and infringements of Plaintiff's statutorily mandated resident's rights, such rights were violated, deprived or infringed by the acts and omissions of Defendant. The rights violated, deprived or infringed upon include, but are not limited to:

a. The right to receive adequate and appropriate health care and protective and support services, including social services; mental health services, if available; planned recreational activities; and therapeutic and rehabilitative services consistent with the resident care plan, with established and recognized practice standards within the community, and with rules as adopted by the agency;

b. The right to be treated courteously, fairly, and with the fullest measure of dignity; and

c. The right to be free from mental and physical abuse.

15. As a direct and proximate result of Defendant's violations, deprivations or infringements, RENATE TURIANO died on June 14, 2024.

16. The beneficiaries for Plaintiff's wrongful death are:

- a. The Estate,
- b. JOANNE TURIANO, daughter; and
- c. Dominick Turiano, son.

17. As a direct and proximate result of Defendant's violations, deprivations or infringements, medical and funeral expenses were incurred.

18. As a direct and proximate result of Defendant's violations, deprivations or infringements, the Plaintiff's survivors identified above have suffered loss of companionship along with extreme mental pain and suffering.

WHEREFORE, Plaintiff, JOANNE TURIANO as Personal Representative of the Estate of RENATE TURIANO, demands judgment against Defendant for damages in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS, costs, interest and further demands trial by jury.

COUNT II – CHAPTER 400 SURVIVAL CLAIM

Plaintiff re-alleges paragraphs 1-8 herein.

19. Pursuant to Section 400.022, Florida Statutes, and the state rules and regulations adopted and promulgated thereunder, along with all applicable Federal Regulations, all of which constitute a part of the established and recognized standard of care within the community, Defendant owed a duty to Plaintiff to ensure that her rights were not violated, deprived or infringed upon in any way.

20. The foregoing rights include, but are not limited to:

- a. The right to receive adequate and appropriate health care and protective and support services, including social services; mental health services, if available; planned recreational activities; and therapeutic and rehabilitative services consistent with the resident

care plan, with established and recognized practice standards within the community, and with rules as adopted by the agency;

b. The right to be treated courteously, fairly, and with the fullest measure of dignity; and

c. The right to be free from mental and physical abuse.

21. These statutorily mandated responsibilities include providing appropriate staff with sufficient training to implement the provisions of Section 400.022, Florida Statutes.

22. Defendant owed a duty to Plaintiff to properly hire, retain and supervise nurses on Defendant's staff and to ensure that any such licensed nurses exercised care consistent with the prevailing professional standard of care for a nurse.

23. Defendant's responsibilities and obligations to Plaintiff are non-delegable such that Defendant has direct liability for violations, deprivations or infringements by any person or entity under Defendant's control, direct or indirect including the employees, agents, servants, administrators, consultants, and independent contractors, whether in-house or outside entities, individuals, agencies or pools.

24. Notwithstanding the duties and obligations of Defendant to prevent violations, deprivations and infringements of Plaintiff's statutorily mandated resident's rights, such rights were violated, deprived or infringed by the acts and omissions of Defendant. The rights violated, deprived or infringed upon include, but are not limited to:

a. The right to receive adequate and appropriate health care and protective and support services, including social services; mental health services, if available; planned recreational activities; and therapeutic and rehabilitative services consistent with the resident care plan, with established and recognized practice standards within the community, and with rules as adopted by the agency;

b. The right to be treated courteously, fairly, and with the fullest measure of dignity; and

c. The right to be free from mental and physical abuse.

25. As a direct and proximate result of the failure of Defendant to comply with the requirements of Chapter 400 of the Florida Statutes, RENATE TURIANO suffered damages including loss of dignity; humiliation; bodily injury; pain and suffering; mental anguish; discomfort; aggravation of an existing disease or physical defect; medical, hospital and nursing expenses.

WHEREFORE, Plaintiff, JOANNE TURIANO as Personal Representative of the Estate of RENATE TURIANO, demands judgment against Defendant for damages in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS, costs, interest and further demands trial by jury.

Dated this 8th day of December, 2025.

Gordon & Partners, P.A.
4114 Northlake Boulevard
Palm Beach Gardens, FL 33410
(561) 799-5070 / fax (561) 214-8050
Attorneys for Plaintiff

/s/ Scott M. Fischer
Scott M. Fischer, Esquire
Florida Bar Number: 0301530
Primary: SMF.pleadings@fortheinjured.com
Secondary: SFischer@fortheinjured.com