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COVID-19 and the death of older people in Italy's rest homes. Is a judicial turmoil the answer?

We read with great interest the letter from Marco Trabucchi and Diego De Leo,¹ in which the authors comment on the high number of deaths of older people in retirement homes caused by COVID-19. The authors conclude: "Overwhelmed by the magnitude of the catastrophe or unable to find adequate answers, nobody answers." Unfortunately, an answer has already arrived in Italy: an unprecedented judicial turmoil with lawsuits against the managers of retirement homes and government administrations.

The dynamics described by Trabucchi and De Leo represent the factors that induce a person to file a lawsuit: the sudden breakdown of family relationships, the inability to assist loved ones in their last moments, and the ban on holding funerals are all factors that can produce a feeling of guilt. Blaming others and searching for a culprit, as a defence mechanism, might alleviate this guilt.²

Another contributing factor to lawsuits is the public depiction of the pandemic in Italy, at least at the beginning. One of the authors (OT) has worked for more than 50 years in a surgery unit for older people in Italy, in which older patients were treated like all patients, with the potential and right to be operated on after adequate preparation and risk stratification. In our opinion, at the beginning of the pandemic, curing the older people appeared to be, at least in Italy, a less important issue compared with other issues (eg, the pandemic's economic consequences³ and the health of young people).

Indeed, owing to the initial little knowledge of the COVID-19 epidemic, the media awkwardly attempted to reassure the public that patients dying due to COVID-19 were old and frail.⁴

Moreover, in light of insufficient health-care resources, a document of the Italian Society of Anaesthesia, Analgesia, Resuscitation, and Intensive Care sparked debate and provoked concerns for older people, who were depicted as patients with reduced life expectancy and with the right to be cured—but only after curing younger people.⁵ These messages might have contributed to the feelings of anger among bereaved relatives and the need to find a guilty party.

Whether these lawsuits will lead to the identification of a culprit and soothe the pain of relatives is doubtful. Regardless of the correctness of a judicial action for the deaths of older people in nursing homes, this tragedy should stimulate health policy to retrieve the value of older people, who helped to build the world in which we live. Great civilisations have always honoured older people.

We declare no competing interests.

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