

Nursing home group faces six lawsuits in Butte County

By **LARRY MITCHELL**
Staff Writer

CHICO — Six lawsuits are pending against the three nursing homes run by Evergreen Healthcare in Butte County.

Three of the suits are against Twin Oaks in Chico. Two are against Evergreen at Gridley, and one targets Olive Ridge Care Center in Oroville.

The six suits, filed in 2008 and 2009, allege wrongdoing and/or inadequate and negligent care of residents.

In one case against Twin Oaks, Karen Borm, a registered nurse who worked at the home, claimed she was wrongfully fired after she tried to intervene for a dying resident whose pleas for pain medication were ignored. Borm charged that Twin Oaks failed to report to the state, as required, that this patient had fallen.



In another case, John Schroer, who was 89 at the time, claimed he was allowed to fall while in the bathroom at Twin Oaks. His suit stated he got no treatment for 24 hours for an extremely painful ankle, which turned out to have multiple fractures.

Stewart Smith is suing Twin Oaks, claiming his wife received inadequate care there and that when he complained, the nursing home retaliated by trying to limit his ability to visit her.

A lawsuit against Evergreen at Gridley claimed that a patient named Fay Ward became extremely ill after a doctor's orders to clean and medicate her skin sores were ignored. She was sent to Biggs-Gridley Memorial Hospital, where she remained for about three weeks before she died on April 4, 2008.

Another suit against Evergreen at Gridley stated that Alfonso Vigil, 92, was admitted to the facility in 2006 with numerous medical problems. He was at risk for falling and hurting himself.

The suit said staff left him alone in his room for at least 2½ hours. He was then found

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dead, having slipped down in his wheelchair and been strangled by the waist belt.

A suit against Olive Ridge Care Center in Oroville claims that Robert Mills became helpless and virtually confined to bed soon after he entered the facility in 2009.

The suit claimed that at Olive Ridge, Mills suffered various kinds of harm, including dehydration, malnutrition, infection and multiple falls with injuries.

Asked about these lawsuits, a spokeswoman for Evergreen made the following statement: "We cannot discuss or comment on any litigated matters. Each facility is committed to quality of care."

A 2003 study of lawsuits against nursing homes in California said that statistically, a home can be expected to be sued for abuse or negligence about once every three years, although some are sued more often and some much less.

Some nursing homes in Butte County were not sued during 2008 and 2009. These include California Park Rehabilitation Hospital in Chico, Country Crest in Oroville, Shadowbrook in Oroville, and Paradise Skilled Nursing.

Pine View Care Center in Paradise was sued three times during 2008 and 2009. Cypress Healthcare Center in Paradise was sued twice. Riverside Convalescent Hospital in Chico, Windsor Chico Care Center and Windsor Chico Creek Care and Rehabilitation were each sued once.

In 2003, the watchdog group California Advocates for Nursing Home Reform studied how many suits alleging elder abuse are filed against nursing homes in California.

Its study looked at suits filed against 577 nursing homes in 16 California counties, including Butte and Glenn, between Jan. 1, 2000 and Dec. 31, 2002.

During the three years, 501 suits alleging negligence and incompetence resulting in injury were filed.

The suits were not evenly distributed among the 577 nursing homes in the 16 counties. In fact, the study found, more than half the facilities were not sued during the three years. Twenty-three percent of homes accounted for 71 percent of the lawsuits and 10 percent of the homes accounted for 47 percent of the suits.

The study found a correlation between the frequency of lawsuits and the frequency of citations issued by the state for inadequate care.

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The Twin Oaks Health and Rehabilitation Center at 1200 Springfield Drive is one of three nursing homes being sued, along with the company that runs the facility, Evergreen Healthcare.

Jason Halley/Staff Photo



Nursing home sued by resident's husband

By **LARRY MITCHELL**
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CHICO — One of three lawsuits against a Chico nursing home was filed by a man who says the facility's administration continually tried to keep him from visiting his wife after he complained about the care she was getting.

In January, Stewart Smith filed suit against Twin Oaks Health and Rehabilitation Center and the company that runs the home, Evergreen Healthcare of Vancouver, Wash.

According to the suit, Smith's wife, Sharon, was admitted to Twin Oaks in August 2007 because Smith could no longer care for her at home. She suffered from a neuromuscular disorder.

Smith felt his wife's care at the nursing home was inadequate. She fell several times, the suit said.

Smith complained to the administration about Sharon's care, and he began working with another resident's family to document instances of unacceptable care, the suit said. They planned to complain to the state Department of Public Health.

According to Paradise lawyer Joe Earley, who represents Smith, a

power of attorney executed by Sharon gave her husband access to all her medical records at the facility. He used these in developing complaints.

On Dec. 3, 2007, Smith gave the administrator of Twin Oaks a written description of complaints he was making to the state.

Four days later, the suit stated, at a meeting Smith had with the administrator and director of nursing, the two Twin Oaks officials accused him of abusing his wife. They told him he must stop visiting Sharon in her room.

Earley said they accused Smith of such things as withholding food from his wife, when in fact, he would only hold a fork full of food at a distance to make sure she'd chewed and swallowed one bite before she got the next.

Twin Oaks administrators convinced Sharon's son his father was abusing his mother, and got him to accept his mother's power of attorney, the suit said. The nursing home prepared the new power of attorney for Sharon.

Sharon was distraught her husband was no longer visiting her in her room. On June 30, 2008, the suit

said, she wrote out a new power of attorney, again making her husband her representative for health care.

According to the lawsuit, Twin Oaks responded by trying to have Sharon declared incompetent. Mental competency tests were given, and a "an incapacity statement" was prepared and used to revoke Sharon's new power of attorney.

On April 9, 2009, Sharon executed yet another power of attorney, but the nursing home ignored it, and continued to deny Smith access to records and to prevent him from visiting whenever he wanted, the suit said.

Ultimately, under pressure from him, Earley said, the nursing home accepted this latest power of attorney, and Smith was permitted to visit.

Sharon died Nov. 13, 2009.

According to Smith's complaint, the nursing home's actions contributed to the deterioration of Sharon's physical and mental health.

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