

[Auburn nursing home again under scrutiny in civil trial over death - Correction Appended](#)

Sacramento Bee (California)

May 12, 2010 Wednesday

Correction Appended

Copyright 2010 Sacramento Bee (California) All Rights Reserved

Section: B; Pg. 1

Length: 799 words

Byline: Cynthia Hubert

chubert@sacbee.com

Body

For the fourth time in recent years, an Auburn nursing home is on the hot seat in the death of an elderly patient.

In a civil case playing out in Sacramento Superior Court, Colonial Healthcare is fighting accusations that it put profits before good care in the death of Stockton native and longtime civil servant Frances Tanner.

Tanner was a spirited 79-year-old woman who suffered from mild dementia when she moved into the home in March 2005, according to testimony before Judge Roland Candee. Seven months later, after a fall that resulted in a broken hip, she was dead from an infected bedsore.

Because such matters typically settle outside of court, the case offers a rare glimpse into the inner workings of a nursing home and its corporate parent.

During nearly two weeks of trial, jurors have heard accusations of chronic understaffing, poor care and corporate greed.

"We have a corporate culture here that is callously indifferent to human life," Sacramento attorney **Ed Dudensing** said in closing arguments this week.

"They value money but not patient care."

Colonial and its parent organization, Horizon West of Rocklin, which owns 33 nursing homes mostly in Northern California, have vigorously denied the charges.

"The staff at Colonial cares about their residents. They cared about Frances Tanner," argued defense attorney Kim Wells. "They did not put her in bed and forget about her."

The case now is in the hands of a jury, which will decide whether the home neglected Tanner's needs so severely that she died, and whether damages should be awarded to the woman's family.

Tanner was a retired administrative worker who had held jobs in various agencies including the IRS and the FBI. Although she had memory problems, she was strong, verbal and "fully mobile" until she suffered a fall in September 2005, said her daughter, Elizabeth Pao.

Eight days passed before she was diagnosed with a hip fracture and a bedsore was discovered, according to testimony. Following surgery for the fracture, her condition deteriorated. She died a few weeks later of massive infection from the pressure sore.

Colonial "recklessly failed Frances Tanner in every way conceivable," Dudensing said, including allowing her to endure a fractured hip, keeping poor notes on her care and missing the skin condition that killed her.

Ultimately, he said, Tanner's death was a result of "chronic and extreme" understaffing. "Nobody had time to think," Dudensing said. "That is the explanation for what happened to Frances Tanner."

One advocate, Carole Herman of Foundation Aiding the Elderly, said lack of proper staffing may be the most critical issue facing nursing home patients and their families.

Herman said regulators have failed to hold homes accountable for improper staffing that leads to bad care and deaths.

In the Tanner case, Colonial's lawyers maintained that its staff members acted reasonably based on what they knew about her condition after she fell, and that they were not responsible for the bedsore that led to her death. They argued that the sore happened after she left Colonial, most likely at the hospital.

"There were issues with documentation in this case," Wells said. But the evidence "does not show a complete lack of care," she said.

Colonial, which recently changed its name to Hilltop Manor, has a history of problems with state regulators, said Dudensing, whose firm's speciality is elder abuse.

In 2006, the state Department of Public Health hit the home with two Class AA citations, the most severe penalty possible, in the deaths of two patients. Last year, it received another Class AA penalty in connection with the death of another patient.

In the Tanner case, the state issued a Class B penalty, citing Colonial for lapses in care that created a threat to the patient's health and safety.

The state moved last year to revoke Colonial's license, but ended up entering into a settlement agreement that allowed the home to stay open, records show.

Among the terms of the agreement, Dudensing pointed out, was that Colonial meet minimum staffing requirements of at least 3.2 nursing hours per patient per day.

By Colonial's own documentation, Dudensing argued, the home met that standard only 24 percent of the time during Tanner's stay and provided one licensed nurse for every 40 to 45 dementia patients.

Two former aides testified that the home was seriously understaffed.

Wells said Tanner had a devoted "one on one" care provider for most of her stay, and she never was neglected. In fact, she said, longtime Colonial staffers remember Tanner fondly nearly five years after her death. They recall how she would "wave at airplanes" when they flew by, cuddled baby dolls and enjoyed having her fingernails painted, said Wells.

"There is no evidence that the nurses acted unreasonably," she said.

Correction

SETTING IT STRAIGHT: In three stories last week about a civil lawsuit and subsequent jury verdict involving the death of an elderly woman at Colonial Healthcare nursing home in Auburn, The Bee incorrectly reported that the home had changed its name to Hilltop Manor. Hilltop is the facility's former name.

Correction-Date: May 16, 2010

Load-Date: May 18, 2010

End of Document