



# Rocky Mountain News

February 8, 2001 • RockyMountainNews.com

THURSDAY

25¢ May vary outside metro Denver

## Nursing home settlement

Former west Denver rehab center to pay \$30 million in abuse case. 4A

# Greater Denver

City Desk — (303) 892-5201 • e-mail — metro@RockyMountainNews.com

# Facility to pay \$30 million

Costly nursing home settles suit alleging negligence, abuse

By Sue Lindsay, Ann Inse and Michele Ames

News Staff Writers

O'Hara Regional Center for Rehabilitation will pay \$30 million to settle a class-action lawsuit alleging that it allowed patients to die of severe abuse and neglect.

Shattered since December, O'Hara's patients included some of the state's most severely injured and

disabled persons.

The west Denver facility charged \$85,000 a year — more than double what Medicaid pays for normal nursing home care — because it promised elaborate care that could return many of its patients to more normal lives.

Instead, some patients suffered untreated for months with rampant bedsores and infections, largely because of short staffing, according to the lawsuit. Experts called O'Hara's services "inhumane."

The \$30 million settlement covers 10 patients, their families or estates. Signed Feb. 5, it comes on top of

O'Hara's \$7 million settlement last fall with 13 other patients and their relatives.

The lawsuits combined said O'Hara's negligence resulted in six deaths.

Colorado law limits wrongful death awards in such cases to \$250,000.

But Denver attorneys Kathleen Mullen and John Holland won more for their clients by also accusing O'Hara of deceptive trade practices, for promising top-quality care and failing to deliver. The facility boasted in its literature that 70 percent of residents left to live independently.

State inspectors twice threatened to shut down O'Hara, in 1998 and again last August. Both

times, O'Hara solved the immediate problems and was allowed to remain open. O'Hara agreed to binding arbitration last fall just as the trial was set to begin.

Also last fall, O'Hara voluntarily decided to shut down.

It took until Dec. 18 to find other nursing homes and long-term-care hospitals to take the remaining 41 patients from the three-story build-

#### INSIDE

■ State moves to bolster agencies/29A

ing at 1500 Hooker St., said Mary Block of the state Health Facilities Division.

O'Hara's expert witnesses said many of the patients were so ill that no amount of care could help. But 11 plaintiffs located O'Hara staff members willing to testify about "horrible" quality of care. Infections spread for lack of gloves and peroxide, or employee said.

The settlement includes:

■ Darlene Webb, who died of respiratory arrest when her tracheotomy tube was removed with

See **O'HARA** on 29



# Some on staff found willing to testify

**O'HARA** from 4A

out her or her sister's consent. Her estate will receive \$3.75 million.

■ Jack Vigil, who had muscle contractions so bad that a doctor described him as a "human pretzel." O'Hara let months go by before moving on a doctor's recommendation for surgery to release his knee. His bed sores became so large they required surgery, and eventually resulted in fatal blood poisoning. His estate receives \$3 million.

■ James Wooten, who arrived with severe multiple sclerosis, and, while at O'Hara, developed urinary infections left untreated for months, and severe bedsores. He ran a near-constant fever, lost 25 pounds and many of his teeth. Once, he was left without his feeding tube for days. His estate receives \$3 million.

■ Catherine Timko, whose estate settled for \$3.75 million, had been in a coma for years after a car crash. She died of blood poisoning from untreated infections.

■ David Rose's pulse stopped

because his ventilator wasn't hooked up, and neither was the alarm. He was found in time to be revived, but later died elsewhere. His estate settled for \$1.5 million.

The same management group that ran O'Hara continues to run five other nursing homes in the metro area. Solomon Health Management operates Allison Care Center, Cambridge Care Center, Lakeridge Care Center in Lakewood and Brentwood Health Center and Rocky Mountain Health Center in Denver.

The settlement leaves the entire burden of payment on O'Hara Regional Center for Rehabilitation and an insurance company that is fighting its responsibility for the case. Numerous other defendants were dropped, including Solomon Health Services, the parent company, and owners Ari Krausz and David Seebag.

The settlement bars attorneys and parties in the case from commenting. O'Hara's attorney, Nathan Davidovich, didn't return calls Wednesday. Plaintiffs' attorney

Holland also declined comment.

Arbitration judge Robbie Barr ordered O'Hara to pay \$28.25 million in damages plus interest that brings the total to about \$30 million. His Jan. 4 order was confirmed by Denver District Court Judge Gloria Rivera on Monday.

O'Hara patients suffered dehydration, severe anemia and complications from receiving doses of medication that were either too high or too low, their records showed. Many patients suffered frequent respiratory and urinary tract infections because of poor maintenance of catheters and breathing tubes.

Patients were warehoused without therapy and left lying in their own waste for hours. Some went months without being bathed, records showed.

In court pleadings, Mullen blamed many of the problems on chronic, severe understaffing: "Deaths and serious physical injuries and almost unspeakable degradation of this disabled class has clearly occurred as a result."