

Ventura County

Elder Care Home Suit Settled for \$2.2 Million

■ **Courts:** Ex-owner of Oxnard facility agrees to pay survivors of woman allegedly left for hours in own vomit.

By DARYL KELLEY
TIMES STAFF WRITER

The former owner of an Oxnard elder care home has paid \$2.2 million to settle a lawsuit by survivors of a 74-year-old woman who died of pneumonia after being left for hours on her bedroom floor in a pool of vomit, according to attorneys and court documents.

Insurers for a Glendale firm that operated the 210-room Channel Islands Gardens facility until June reached the settlement this month with Oxnard real estate broker Sheila Schlichter, attorneys said.

"I feel they killed my mother," Schlichter said Wednesday. Schlichter's mother, Lorraine Konblett, died in January, two months after she was rushed to the hospital.

Schlichter and her husband,

Robert, refused to consider a secrecy clause requested as part of the settlement, they said, because they wanted to warn others of potential dangers in such residential homes, where no doctor or registered nurse is on duty.

"I want others to be aware of what goes on in these homes where we entrust our parents when we can't care for them ourselves anymore," she said.

William Berman, the couple's attorney, said the settlement is one of the largest under a new state law that provides greater protections for senior citizens.

"This case involves horrific acts of elder abuse," Berman said. "Her death was the direct result of severe neglect and intentional mistreatment."

Attorneys for the former owner, CIG Oxnard Inc., could not be reached for comment Wednesday.



Lorraine Konblett, left, died of pneumonia. At right, daughter Sheila Schlichter, with husband Robert.



BRYAN CHAN / Los Angeles Times

But in court documents they denied CIG and its owner, Elle J. Gindi, were responsible for Konblett's death.

Schlichter said she placed her

mother in the facility in February 1998 after a paralyzing injury prevented the daughter from providing care in their north Oxnard home, where the older woman had

lived for 10 years.

The daughter paid \$1,250 a month to Channel Islands to provide room and board and an

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 additional \$450 for "extra care" her mother might need, the suit said.

Then last Nov. 15, on the morning of Koblentz's birthday, attendants took away the woman's emergency call button, even though she had been sick and vomiting, because they thought she was using it too often, the suit maintained. The attendants also refused Koblentz's request to call her daughter, the suit said. According to the suit, the last thing Koblentz said to an attendant was "No, no, don't use my [emergency] cord."

For more than three hours, attendants failed to check on the sick woman, the suit said. Even after an attendant found the woman on the floor—vomit caked and dried on her face and in her hair, nose and mouth—supervisors failed to check on her condition and waited more than an hour to call an ambulance, the suit maintained.

After surviving one month in a coma at St. John's Regional Medical Center, the woman was transferred to another facility, where she died.

"She was fine before this," Robert Schlichter said. "She was over here for lunch the day before. She went out three times a week. She was in good spirits and happy."

Defendants' and Koblentz's death was unveiled to her care at the residential home. "The evidence is that the care of [Koblentz] by CIG Oxnard Inc. was not extreme or outrageous," attorney Robert C. Rebeck wrote.

Rebeck cited the opinion of Dr. Michael Lieber, a specialist in critical care and pulmonary disease, who concluded it was not medically necessary for Koblentz to have a call button available to her. "According to Dr. Lieber, there was no evidence that [Koblentz] suffered from acute illness at that time."

Lieber also maintained Koblentz's death was "due to the complication of her multiple illnesses" not her care at the residential home, Rebeck wrote.

But Berman, the Schlichters' attorney, said the evidence shows Koblentz's treatment at the Oxnard facility caused her death.

His expert witness, Dr. Michael Kubler, also a pulmonologist and critical care specialist, said in a

declaration last, Koblentz's critical illness was caused by "exciting and agitation [inhaling] of stomach contents into the lungs. Her inability to suction, help . . . and the staff's failure to check upon Mrs. Koblentz for several hours."

The state Department of Social Services investigated the case, after being notified of Koblentz's condition when she was brought to the St. John's emergency room. "The state concluded Chastal In-lands employees had engaged in serious acts of neglect, abuse, and

"intentional misconduct," the lawsuit said.

The facility was cited for removing the emergency call cord from Koblentz's reach, leaving her unattended for too long and failing to do anything special to protect her from falls from her bed.

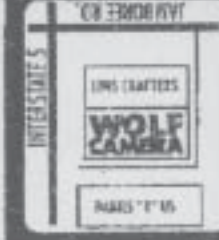
The state concluded that despite paying \$450 for extra care and attention, Koblentz's "basic needs were not being met, and certainly nothing extra was being done." Also, two weeks of records documenting her diaper changes were

"conspicuously missing," the state reported.

The Chastal Islands facility was turned over on June 1 to a new operator, Senior Care Management, Berman said.

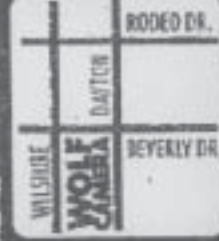
"We were pleased to see that this facility has been put in the hands of a reputable and qualified caretaker," he said.

CIG Oxnard Inc. is listed in state corporate records as a Glendale business. It operates residential care facilities there and in South Pasadena, attorneys said.



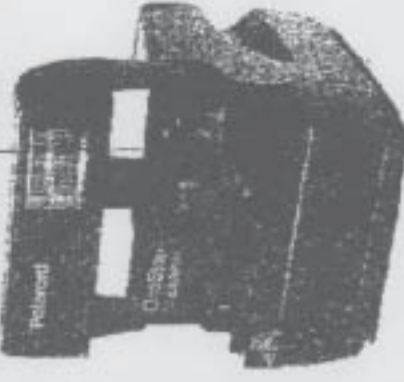
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