



M. England #1
Sworn November 3, 2008

NO. 07 3415
and ~~NO. 08 0327~~
VICTORIA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *PATIENTS PROPERTY ACT*
R.S.B.C. 1996, CHAPTER 349 AS AMENDED

-AND-

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

AFFIDAVIT

I, MARYLYNE (LYNE) ENGLAND, of 4989 Georgia Park Tce., in the City of Victoria, British Columbia, MAKE OATH AND SAY THAT:

1. I am a Registered Nurse. I have worked in the Nursing profession since 1958, first working as a Psychiatric Care Attendant, then as a Care Attendant in the Acute Care setting, then as a Licensed Practical Nurse and later as a Registered Nurse. I worked for a number of years from the 1970s to the 1990s at Glendale Lodge, Tillicum Lodge and Oak Bay Lodge delivering nursing services to seniors. I have been involved in care-giving in numerous applications and have been a supervisor to Home Support Care Attendants as a Supervisor and Education Coordinator for a large non profit Home Support Agency. From 1999 – 2002 I was also a part time Instructor at Camosun College in Health and Human Services. In 2002 I took a full-time Faculty position as a classroom/clinical Instructor teaching at the College in the Home Support Resident Care Attendant Program in the Health and Human Service Department. This program trains students to become care attendants, for people requiring care either in the community or in a Residential Care setting, including seniors. I retired from my faculty position at the College two years

ago, but continued to work for the College on contract basis.

2. I am the chair of the Regional Family Advisory Council. This Regional Council communicates issues and concerns of individual family advisory councils to the Vancouver Island Health Authority.
3. I first met Kathleen Palamarek in Saanich Peninsula Hospital. My mother was a patient at the hospital in a room across the hall from Mrs. Palamarek's room at the hospital. Like Mrs. Palamarek, my mother also moved to the Lodge at Broadmead after being at SPH.
4. At some point earlier this year, I was contacted by Lois Sampson. Ms. Sampson was seeking out someone familiar with the system of care for the elderly in our society. Ms. Sampson expressed concerns to me about her mother's well-being, about the potential effect on her mother of some of the medications she was on, and about the institutional setting her mother was in. Ms. Sampson also asked some questions about the way different institutions were operated, and asked if I would meet with her mother.
5. I was not previously acquainted with Ms. Sampson and she and I are not friends.
6. Ms. Sampson has kept in touch with me periodically during 2008 and periodically has asked my advice on issues relating to her mother and on her interactions with the Lodge at Broadmead. I have been pleased to respond to her questions to the best of my ability.
7. I have also kept in touch with Mrs. Palamarek by periodically visiting her while I was at the Lodge visiting others.
8. On a couple occasions in the summer of 2008 I met with Ms. Sampson and her mother while they were on outings at the request of Ms. Sampson.
9. Further, Ms. Sampson asked me to meet with her mother on October 29, 2008 following Mrs. Palamarek's move from the Lodge to Ms. Sampson's apartment.
10. As a result of my visits with Mrs. Palamarek, I am able to provide the court with a number of observations about her. Mrs. Palamarek is a lovely lady with a good sense of humour. Mrs. Palamarek, despite having a hearing deficit, is capable of carrying on and

tracking appropriately during a conversation and demonstrates good awareness. She has problems with her short term memory and is admittedly self aware of it. I believe she also has some form and degree of dementia.

11. On one occasion in the summer of 2008, I joined Ms. Sampson and her mother at Mattick's Farm in Cordova Bay for tea. At Mattick's Farm there are in addition to the tea room and dining room several small gift shops including an ice cream shop. To give an example of Mrs. Palamarek's level of functioning, after our conversation and tea Mrs. Palamarek said she wanted to go look at the shops. Ms. Sampson encouraged her to do so. We both cautioned Mrs. Palamarek about the uneven floor and Mrs. Palamarek assured us she would be careful. Ms. Sampson and I watched her mother go off by herself (from where we were seated we had a good line of vision and Mrs. Palamarek was not far from us), we watched her mother browse the shop windows and look at the counters close to the entry door of the shops and then Mrs. Palamarek went to the ice-cream shop, purchased an ice-cream by herself with money she had brought, obtained change, and socialized appropriately with people along the way. She came back and rejoined us with the ice cream in hand. We engaged in what can only be described as 'normal' conversation that day.
12. Mrs. Palamarek certainly seemed to enjoy the outings with Lois that I observed. Mrs. Palamarek seemed relaxed on the outings and was quite chatty.
13. On one occasion in the summer of 2008, I sat with Mrs. Palamarek in the garden at the Lodge at Broadmead. At that time, she made some comments about living at the Lodge. She told me she feels she always has to watch what she says at the Lodge and watch what she does. She said she did not feel relaxed there and worries about offending staff members. She also said "I don't understand why I cannot go to my own home" or words to that effect. She was quite able to have this conversation and spoke coherently.
14. I recall one occasion when Mrs. Palamarek was very anxious about not being late to return to the Lodge. She kept looking at her watch and told me she was aware of the time. This showed good awareness and also showed her anxiety about not displeasing Lodge staff.

15. Ms. Sampson asked me to come to her apartment to check on her mother on October 29, 2008. I agreed to do this. On that day, I spent time talking with Mrs. Palamarek and then she took me to see her room. The apartment is bright, spacious and quite lovely. Mrs. Palamarek has her own bedroom and a separate bathroom that she can see from her room. The apartment is well situated in central Victoria with a small park nearby and a general store close enough for Mrs. Palamarek to walk to accompanied. The set-up of the apartment is appropriate for an elderly person and I believe Mrs. Palamarek will be safe there. It is a spacious apartment and easy to walk around in. Lois asked me to make whatever recommendations I might have to improve the safety of the apartment for her mother. I recommended that they purchase a seat for the shower and was told that Mr. Sampson will do this. I recommended that the shower head be changed to a telephone shower that can be held and that a shower curtain be installed in place of the glass shower door. There is already a non slip mat in place. The Sampsons said they would do this. I recommended that they purchase a monitor to be placed in Mrs. Palamarek's room at night so that Mr. and Ms. Sampson can hear her in the night if she requires assistance. Ms. Sampson said she would do this. I asked Mrs. Palamarek how she would feel having a monitor in her room at night. She agreed it would be a good idea in case she had to call her daughter during the night.
16. I talked to Mrs. Palamarek about the move from the Lodge to the apartment and asked her how she was feeling. She said "I am happy". She said she was very pleased to have her own furniture in her bedroom and talked to me about a number of her possessions in her room. I asked her if there was anything she would miss from the Lodge. She considered the question and then responded "nothing". I said "are you sure?" and she replied "I'm sure , there is nothing I am going to miss". I asked her how she slept the first night in her bed and she said she slept very well. She commented that the bed was big and comfortable and there was lots of room to turn over. I asked her how she felt during the move. She replied "well, there was a lot going on". Mrs. Palamarek was alert and very clear during our conversation. She commented that she was pleased to see me and that she would love for me to visit her again. I have agreed to do this, including early next week, and I will provide feedback to Mrs. Palamarek and the Sampsons if I detect any needs that she may be exhibiting or any further improvements that can be made to the

apartment to best provide a safe home for Mrs. Palamarek.

17. I also spoke to Mrs. Palamarek about more general matters. We talked about Mrs. Palamarek's early days in Victoria. She told me she lived in the Hillside area and said she worked as a bookkeeper. We both reminisced about the old Fox Theatre. We also talked briefly about the American election. One thing Mrs. Palamarek said which I was impressed by was that she felt Mr. Obama was a person who had grown up or matured in life through his experiences. We also talked about bread making. Mrs. Palamarek exhibited very good awareness and coherence of thought in this conversation.
18. My general impression is that Mrs. Palamarek was doing very well, was relaxed, was enjoying the apartment, and was aware of the change and supportive of the move from the Lodge. I detected nothing to suggest Mrs. Palamarek was suffering any emotional problems or needed medical attention other than continuing routine periodic visits to a doctor. Mrs. Palamarek also might benefit from a through Audiologist assessment.
19. I am also able to provide the court with some observations about Ms. Sampson based on my interactions with her and based on my observations of how she interacts with her mother. First, I think there is no question that Ms. Sampson loves her mother and feels passionately about her mother's care. When I have seen them together, Ms. Sampson and her mother have always gotten along very well and the manner of communication between them has always been appropriate. Second, Ms. Sampson is an intelligent, articulate woman who asks appropriate questions about the health care system. Third, my impression of Ms. Sampson is that she is a responsible woman. For example, she was very attentive to the issue of safety in her apartment and invited my advice, and accepted my advice in relation to improvements that could be made. She also told me the name of the pharmacist she arranged for her mother to see (Mr. Lalli) and I can confirm he has a very good reputation in the community.
20. I have a great deal of experience addressing questions of whether elderly people need to be in long term care versus a home setting. This depends on multiple factors including various issues of health, mobility, bowel incontinence, safety issues for themselves and others, support available outside an institution and numerous other factors. There is

nothing I have observed to date about Mrs. Palamarek which suggests to me that she needs to be in an institutional setting as long as she is looked after by family or other care givers and continues to receive nurturing ongoing support.

October 31, 2008:

21. Ms. Sampson asked me to come to her apartment to check on her mother again on October 31. I attended at about 9:00 in the morning. On arrival, Mrs. Palamarek was sitting at the dining room table finishing her breakfast. She greeted me appropriately, was alert, and invited me to sit with her.
22. I asked Mrs. Palamarek how she slept. She said "this morning I slept in". We talked about sleeping in and she told me at the Lodge she did not have this opportunity most of the time. We made idle talk about the weather. I then asked her how she had been since the move from the Lodge. She responded that she had seen a doctor. She stated that he was nice. After breakfast I asked Mrs. Palamarek what she would like to do next. She said "read the newspaper". She and I went and sat in the living room before she read the paper. We talked about various things. She told me that she and her husband had been resident managers of an apartment building called Orchard House and she thought it might be one of the towers visible from the apartment window. At Ms. Sampson's suggestion, we looked out the window and tried to determine which tower it was. I offered to go by the building she pointed to and take some photographs of it to help her confirm it was the correct building. She was very pleased with this and said "that would be nice". She told me that her husband dealt with inquiries at Orchard House and showed people the apartments, while she did the bookkeeping. She also told me about a tall apartment building she and her husband managed in Vancouver and was able to tell me the number of floors it had.
23. After we chatted for a while I indicated I needed to be going. Mrs. Palamarek then reiterated that she was going to read the paper but didn't have her glasses. We shared a chuckle over the fact that we both were in the habit of misplacing our glasses. She got up, went initially to Ms. Sampson's bedroom and then to her own bedroom to retrieve her glasses. She then came back and started reading the paper.

24. Mrs. Palamarek appeared in good health and good spirits. She did not complain of any pain or health issues. She seemed comfortable and at home in the apartment. I saw nothing out of the ordinary. She was coherent and talking normally. I did not feel it was necessary to make any health-related recommendations to Ms. Sampson or her mother.
25. Because the doors to the various rooms in the apartment all look the same, I recommended to Ms. Sampson that put some sort of visual cue for identification of Mrs. Palamarek's room and the bathroom. Ms. Sampson thanked me for the suggestion and said she would ask her mother what personal item could be put on her door.
26. Later the same day, Ms. Sampson phoned me at home. She told me that her brothers were coming at 3:00 p.m. for visit with their mother. Ms. Sampson said she would appreciate having someone else present when her brothers arrived. I agreed to this and arrived back at the apartment at 3:00. Mrs. Palamarek saw me and said 'Oh, you're back'. I told her I had driven by the building she thought was Orchard House and had taken some photos for her. She said "that was very nice of you". I asked Mrs. Palamarek what she had done that day and she said she read the paper and watched some TV. I asked if she napped after lunch. she said she laid down but could not sleep. I said that even resting was good, and she said she agreed.
27. I asked Mrs. Palamarek what she was going to do that afternoon. She said "my sons are coming to visit". We then talked about Hallowe'en as I mentioned I had seen some people in costume while I was out. Mrs. Palamarek knew it was Hallowe'en and asked why people were dressed up in the day, as opposed to the evening.
28. We were discussing the fact that her sons were a bit late (it was after 3:00) when there was a knock at the door. It was the police at the door along with two women, one of whom said she was a nurse with Elderly Outreach Services and one of which said she was a doctor. Mr. Sampson, who was also present, went to the door first and engaged the police in conversation. I then went to the door and introduced myself as a nurse. One of the officers took my name. I then went to sit with Mrs. Palamarek who asked "are they here?" meaning her sons. Mrs. Sampson came over and told her mother they were not, but some other people had come to check to see that she was alright. Mrs. Palamarek

said "of course I'm alright".

29. The police and others apparently wanted to come in and had paperwork in relation to the committal of Mrs. Palamarek under the Mental Health Act. I suggested that only the doctor come in because I was worried this was going to be terribly stressful for Mrs. Palamarek. The doctor came in and went to sit with Mrs. Palamarek. She began to ask a series of questions of Mrs. Palamarek very quickly, such as "what day is it?", "what is the date?", "what year is it?" etc. At that point, Ms. Sampson advised the doctor that her mother had a hearing impairment and the doctor needed to slow down her questions. The doctor acknowledged this and then asked more questions to Mrs. Palamarek. I heard Mrs. Palamarek tell the doctor it was Hallowe'en and I heard her tell the doctor that the date could be determined by looking at the newspaper. Shortly thereafter, the doctor asked if Mrs. Palamarek would go with her. Mrs. Palamarek said "no". The doctor asked why and Mrs. Palamarek responded that she was waiting for her sons to visit her. At about this time, two police officers came in. At that point, Ms. Sampson explained to her mother that these people wanted to make sure she was alright. The doctor asked if Mrs. Palamarek had any medications. Ms. Sampson went and retrieved them from the kitchen. Ms. Sampson. Mrs. Sampson asked if she could accompany her mother, and one of the officers said that would be up to the paramedics who were on their way. A paramedic arrived presently. Mrs. Palamarek went into her room and got her jacked by herself and put it on. The paramedics began escorting Mrs. Palamarek out before Ms. Sampson was ready to go and Ms. Sampson pleaded with them to wait, which they did not. She did catch up to them at the elevator. Mr. Sampson then left the apartment and said I could leave the door unlocked as he was hurrying out.
30. I found all of this to be quite shocking. Things happened very quickly and the account I have given undoubtedly leaves out details of events I did not take note of.
31. I would expect that this was all extremely stressful and confusing to Mrs. Palamarek who had been expecting her sons to visit and who had been given no forewarning of what was about to happen. It was stressful for me and I was just a bystander. Insufficient time was given for Mrs. Sampson or I to properly explain to Mrs. Palamarek what was going on.

We were advised that Mrs. Palamarek would be taken to Royal Jubilee Hospital and examined by a doctor.

32. Before the arrival of the police and others, Mrs. Palamarek appeared fine. She was alert and in good spirits, and communicating with me appropriately. I did not observe anything that made me concerned for her health. Dementia patients often present better earlier in the day and seem less focused and more confused later in the day. Having said that, I can advise the court that each time I have met Mrs. Palamarek she has had good focus, good awareness, good communication skills and has generally been a delightful person to be around. I have no doubt that she is someone who is capable of coherently expressing her opinions and wishes on a wide range of topics.

SWORN BEFORE ME at Victoria,
British Columbia on this 3 day
of November, 2008.

A Commissioner for taking
Affidavits for British Columbia

ROBERT J. SALMOND
Commissioner's Name and/or Seal:
1620 Cedar Hill X Road
Victoria, BC V8P 2P6



MARYLYNE ENGLAND