

B.C. man loses right to care for wife

Province takes over after husband refuses to pay for 'substandard' hospital care

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By Kathy Tomlinson [CBC News](#)



George Brent, 83, of Montrose, B.C., wanted to care for his ailing wife, Dolores, at home. (CBC)

An elderly B.C. man is upset after a provincial health authority stripped him and his wife of their legal and financial rights when he complained repeatedly about his wife's care in the local hospital.

"She would have been far better at home," said George Brent, 83, of his wife's care at the Kootenay Boundary Regional Hospital in Trail, B.C. "But, I'm strapped by legalities set forth by government."

Brent's 81-year-old wife, Dolores, was admitted to the hospital in Trail, in southeastern B.C. near the border with Washington, in August 2009 after suffering a heart attack.

After she recovered, her husband told hospital staff he wanted to take her back to their home in nearby Montrose.

Instead, the hospital moved her into its long-term care wing, saying she was too frail to leave.

"She would ask me every day, 'When can I get out of here?'" Brent said. "They stated that I wouldn't be allowed to take her home."

In the long-term care wing, Dolores Brent's health deteriorated. She suffered a stroke, and dementia set in.

"For me, that was just another pin in my heart — a reminder of my inability to do anything for her," Brent said.

Husband complained repeatedly

Brent and one of his daughters, Gwyn, said they were very upset about what they called the "substandard" care Dolores received at the Kootenay hospital.

Brent would visit every day, and he and his daughter said they often found Dolores parched, cold, tied to her wheelchair or even sitting in her own waste.

"I told the head nurse, and they said, 'We are too busy to change her,' " Gwyn said. "So, they didn't change her, and she didn't eat. How can you eat when you are sitting in your own waste? That's how it is there."



Gwyn Brent was alarmed by the care her mother received at the long-term care

wing of the Kootenay Boundary Regional Hospital in Trail, B.C. (CBC)

"If a child was treated in the same way ... the parents would have the children taken from them," George Brent said.

"Sixty-four years we have been together. And we fought for each other. To see her mistreated is horrific."

Brent said he complained repeatedly and told staff he still wanted to take his wife home. When the Interior Health Authority, which is responsible for the hospital, began billing him for his wife's stay in long-term care, Brent decided to protest against the standard of care by not paying the bill.

"In a family meeting, [staff] were talking about Dad not paying, and I said 'Well, why don't I just pay?' And I was told Dad needed to learn he has to pay his bills," Gwyn said.

Public Guardian steps in

Hospital physicians then assessed Dolores Brent's deteriorating mental state, and an administrator from the health authority signed a form declaring her incapable of managing her affairs.

The certificate of incapability, as it is known, automatically put B.C.'s Public Guardian and Trustee in charge of her finances instead of her husband even though she had signed an enduring power of attorney appointing George Brent to look after her affairs if she became incapable of doing so herself.

"To get Dolores the support she needs, it is our intention to issue a certificate of incapability," said a letter from the health authority addressed to George Brent in March. "The Public Guardian and Trustee will plan with Dolores to best meet her financial and legal needs."

Gwyn Brent said the health officials' actions were a direct response to her father's complaints about her mother's care at the Kootenay hospital.



George Brent regularly visits his 81-year-old wife, who suffers from dementia, at the privately run care home where she now lives, spending hours by her side. (CBC)

"I think he stepped on too many toes in that place," she said. "They were just fed up with him."

The Public Guardian then sent a letter stating, "We have now obtained the authority to act on behalf of Dolores . . . Please note that any power of attorney . . . is suspended until further notice from this office."

Since then, thousands of dollars have been withdrawn from the couple's joint bank account to pay for Dolores Brent's care, George Brent said. The province has also staked a claim on the couple's home and receives the tax bills for the property.

Not 'something we do lightly': authority

In B.C., health authorities were given the power to issue a certificate of incapability and have the Public Guardian suspend an individual's power of attorney so they could move quickly to protect an elderly person if they suspected a family member was mismanaging or stealing the person's money.

"Involving the office of the Public Guardian and Trustee isn't something we do lightly or very often," said Cindy Kozak-Campbell of Interior Health. "It does need to be serious reasons around abuse and neglect and financial issues."

Kozak-Campbell said she couldn't speak directly about the Brent case, because of privacy issues.

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"We stay focused on the person in care," she said. "So, although the family may have wishes, it is going to be the safety and comfort of that person in care. And we look for a clean, safe living environment for them."

The Brents have nine grown children. Not all of them agreed that their dad should take their mom home from the Kootenay hospital. Shannon Harrigan, a daughter who lives in Oregon, said she voiced her concerns to hospital staff.

"Nobody wants to see their loved ones in a place like that," Harrigan said. "But the reason [some of us] wanted to keep her in the hospital was because Dad would talk about how, if she were at home, they could just die together."



Interior Health Authority spokesperson Cindy Kozak-Campbell says the agency acts in the best interests of its patients, even when family members disagree with its decisions. (CBC) "He couldn't afford the kind of care she would have needed at home. She needed help to do everything. She would have ended up back in hospital."

George Brent still insists he would have taken better care of his wife than the health authority did.

"I'm sure I could have," he said. "We had other help that would have come in."

He stressed that his wife had appointed him, not their children, to make the decisions on her behalf.

"She is the wife of my youth and the blind passion of my youth," he said tearfully. "And no hospital and no government can affect that. We will always be together."

New laws could have helped couple

Two laws passed in B.C. in 2007 could have given the Brents more rights. The B.C. Ministry of the Attorney General said Bill 26 and Bill 29 were passed in a package to give seniors and other vulnerable citizens more say over their health and financial affairs.

However, a spokesperson for the ministry said the implementation of the reforms was put on hold because of the economic downturn.

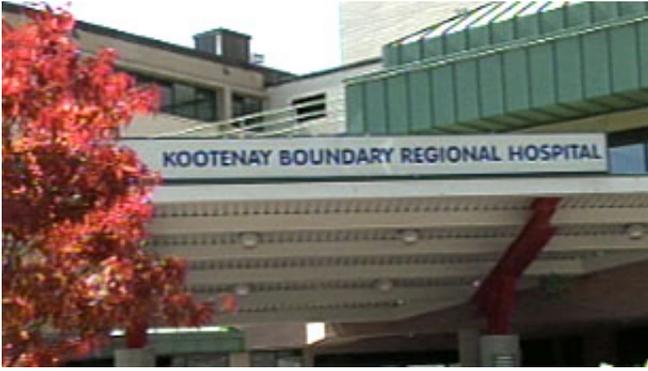
"That means we're still stuck with the old archaic laws that George [Brent] has such a problem with," said Laura Watts of the Canadian Centre for Elder Law.

"I think a lot of seniors feel like they don't have enough rights, and I think that's probably because, mostly, they don't."

Watts said Bill 26 spells out that health-care institutions can't keep someone if they want to go home. If they are deemed incapable, the facility has to get permission from a relative or a legal guardian to keep them in the facility.

'Seniors feel like they don't have enough rights, and ... mostly, they don't.'

— Laura Watts, Canadian Centre for Elder Law



Dolores Brent spent several months at this Trail, B.C., hospital, during which time her husband tried unsuccessfully to have her discharged so he could take care of her at home. (CBC) She said Bill 29 essentially says a health authority can't remove a person's financial or legal rights without getting formal approval from the Public Guardian's office first. That did not happen in the Brent case. Rather, it was the health authority that launched the process of stripping George Brent of his power of attorney, and the Public Guardian merely signed off on it.

"If these laws aren't proclaimed, if we leave the legislation the way it is, in my view you are going to see more and more difficult situations, and nobody wins," Watts said.

Watts said other provinces adopted the models set out in the new B.C. laws, but those provinces have gone further and actually put the laws into force.

Complaint dismissed

George Brent filed a complaint with the B.C. Ombudsperson about the standard of his wife's care but not about his loss of power of attorney. After looking through health authority records, the office concluded the complaint was not substantiated.

"It appears that [Interior Health Authority] took your concerns seriously," wrote Sandra Chan of the Office of the Ombudsperson. "The documentation ... suggests that IHA provided you with an adequate and appropriate response to the concerns you raised regarding the care provided to your wife."

Gwyn Brent remains convinced her father was simply brushed off, because he caused problems for staff in the facility.

"What a sad world we live in — how we treat the elderly," she said. "Just because you are elderly, you have no rights anymore? Pretty sad."



Dolores Brent was an active wife and mother of nine before she had a heart attack in August 2009. She suffered a stroke soon after and became ill with dementia. (CBC) This summer, Dolores Brent was moved, at the family's request, to a privately run care home in Trail called Rosewood Village, which has a contract with Interior Health. Her husband said the standard of care there is much higher.

George Brent said he would like to sell their house and move into another part of the same facility to be closer to his wife if a room becomes available.

However, he said, since the Public Guardian now has a stake in his home, he may not be allowed to do that.

"I'm amazed that I have lived through this year," he said. "Because I get stressed right to the moment of no return, worrying about Dolores and how she is doing."