

B.C. families complain investigations into elder abuse are 'ludicrous'

Different standards exist for private and public facilities

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The Province

Thursday, November 10, 2011

Candice Lindsay's father, Roland Hunter, was a 92-year-old dementia patient at West Van Care Centre. When Lindsay visited him on a Thursday afternoon in January 2010, her father - a "gallant and erudite" immigrant from Britain - surprised her with a shocking comment, she says, that was said in a quiet, matter-of-fact way.

"Oh, [name withheld] hit me this morning," he said, demonstrating a smacking movement with his hand. "She smacked me hard on the nose, twice, because I wasn't rousing quickly enough."

Candice Lindsay came forward with the abuse allegation after reading parts of The Province's Boomerangst series last month. After a four-month investigation into B.C.'s senior-care system, The Province recommended instituting a seniors' advocate with statutory powers to investigate abuse allegations, and regulating all senior care homes under one law, among other proposals.

The Lindsays are one of three families who came to The Province, all with similar concerns. They said they removed a parent suffering from dementia from long-term care facilities because the parent felt vulnerable and scared; complaints were dismissed; advocating for a parent was frowned on; families were misled about care; provincial oversight was unresponsive; and facilities "covered up" care breaches. One family said that sometimes B.C.'s double standard of regulating privately owned care homes under the Hospital Act and public care homes under the more rigorous Community Care and Assisted Living Act leads to unequal care.

In a series of interviews, Lindsay complained that West Vancouver Care Centre's



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Michelle O'Donnell has written an open letter to the government about the quality of care in the health system after watching what she called 'shoddy' treatment of her mother (inset).

"ludicrous" internal investigation was accepted by the licensing authority, Vancouver Coastal Health, and a Ministry of Health review board. Essentially, officials brushed aside her father's version because he is a dementia patient, she claims.

Vancouver Coastal Health documents dated April 8, 2010, show health officials relied on the care centre's internal report, that the "care-aide team indicated that they had seen the care aide in question 'tweak' or tap [Hunter's] nose in a playful manner," and the care aide admitted to "tweaking" Hunter's nose on two occasions but "did not mean to offend or harm the resident."

"My father would never have lied about something like this, and he knew the difference between a tap and a smack," Lindsay said. "The complaints can easily be dismissed if patients have dementia, and that is just a travesty."

Furthermore, Lindsay says, until she made complaints, she had no idea that the care centre, a privately owned facility, is regulated under the Hospital Act, a less stringent regime than the Community Care and Assisted Living Act. The Hospital Act applies mostly to private care facilities, officials told The Province, with about 30 per cent of B.C. seniors in care covered under the weaker act.

"The Vancouver Coastal licensing officer said because [West Van Care Centre] is private, it doesn't have to adhere to the same rules," Lindsay said. "It was shocking to me."

Vancouver Coastal Health spokesman Gavin Wilson said "the family took their concerns to the Patient Care Quality Review Board, an independent body established by the Ministry of Health . . . the board reviewed the complaint and found the matter was addressed by the care centre. This included acknowledgment that the physical contact, regardless of the intent, was not appropriate and that the employee involved had apologized."

Asked to respond to Lindsay's version of events, Carrie Woodworth, co-administrator and part owner, said all of Lindsay's allegations were found to be baseless by health officials. Woodworth suggested that Hunter's condition had some connection to his allegation.

"Did Candice happen to mention the mental state of her father?" Woodworth said. "The care aide really loved that particular resident and they were always playful together. We did explain to the care aide, as much as you are being playful, it can be misconstrued, especially when you are dealing with residents that do have forms of dementia."

Care-home residents are seen as "family" by West Van Care Centre, Woodworth said.

The care aide continues to work at the centre on a casual basis, Woodworth said.

Woodworth said the home's historical designation under the Hospital Act affects its value, but management adheres to all standards of the Community Care Facility Act and Residential Care regulation.

Asked if she would support the government enacting legislation for one regulatory law, Woodworth said: "How we do things here works perfectly. We've been under the Hospital Act . . . my father had to fly out to Victoria and take an oath many

years ago . . . we follow all our standards and guidelines, and we give excellent care."

An investigation by The Province

found that one difference between the two acts is that incident reports for Hospital Act facilities do not have to be released under freedom of information law.

For example, our July 2011 information request showed that since 2008 in Interior Health residential facilities there had been 12 "patient safety event causing death" incidents. We followed up, requesting all the reports. This week we were told that only the incidents that occurred in Community Care and Assisted Living Act facilities would be released. An Interior Health official would not disclose how many of the 12 patient safety deaths occurred at private Hospital Act facilities.

Health Ministry spokesman Ryan Jabs noted that The Province's recent reports, along with recommendations from B.C.'s Ombudsperson, have highlighted the unequal standards in the two acts, and the government recognizes the time to make changes is now.

"It doesn't make any sense . . . [every senior in care] will be regulated under the Community Care and Assisted Living Act," Jabs said. "I don't know if it will involve legislation enacted. It will just involve working with the health authorities . . . because it is a lot of work around the governing and monitoring side."

Jabs said that since 2007, the ministry has been directing B.C.'s five health authorities to inspect all facilities under one standard, and following The Province's recent reports, all health authorities have been asked to post all inspection reports, whether seniors are in private or public facilities.

Jabs said it is believed that all health authorities followed the one-standard inspection directive, but he couldn't be sure.

To take Vancouver Coastal Health as an example, there are 25 care homes regulated under the Hospital Act and 47 under the Community Care and Assisted Living Act, spokesperson Gavin Wilson said.

Aft "Since 2007, we have been inspecting the Hospital Act facilities using the same standards that we apply to those under Community Care and Assisted Living Act," Wilson wrote to The Province this week. "We conduct a minimum of annual inspections with further inspections as required. They also provide us with incident reports."

That doesn't seem to agree with information attributed to Coastal Health's licensing manager Greg Ritchey, who in a June 2008 media report said Hospital Act and Community Care and Assisted Living Act facilities were "not inspected in the same way at the current time."

In the report, Ritchey said the government was looking at changing legislation so that all care facilities for the elderly would be licensed and inspected in the same way.

Coastal Health refused to make Ritchey available for interviews with The Province during our investigation. In a prepared statement that was sent several months ago, Ritchey wrote: "All Hospital Act facilities in VCH do not yet routinely report

incidents to us. There is no legal mandate for this reporting to date, and we are rolling out our oversight of these facilities in VCH in a phased approach."

Michelle O'Donnell wrote to The Province that our investigative stories encouraged her to send an "open letter" to the Ministry of Health that had sat on her desk since October 2010.

Believing her mother was not getting needed care at St. Michael's Centre in Burnaby - a registered non-profit facility regulated under the Hospital Act - O'Donnell removed her in August 2010, several weeks before she died at O'Donnell's home.

"I was sad, angry and filled with guilt that I had allowed my mom to go into such a broken health-care system," O'Donnell wrote to The Province. "After seven months of pleading for better care, for palliative or hospice care, I could no longer bear to watch."

In the "open letter," O'Donnell recommends changes in long-term care, including increasing staffing, training and supervision, arguing that her mother did not deserve such "shoddy care." Her mother was sometimes moved around the centre without her oxygen supply, and "was often bruised by the rough handling of some of the personnel, and came to fear them . . . [and] she would often be left in a wet diaper for hours," O'Donnell alleged.

"I never thought I could say anything when my mother was there because there would be a backlash," O'Donnell said in an interview. "The more I complained . . . I worried about what would happen when my mom was there."

O'Donnell stressed that many staffers at the home tried their best.

"If they had enough staff they could do a good job, but I believe they are pushed to the limits," O'Donnell said.

Management at St. Michael's Centre did not respond to interview requests. A Fraser Health spokesperson said no formal complaint was lodged and the allegations were not known to Fraser Health officials.

In another case, Vancouver woman Frauke Owen contacted The Province to say that after care aides allegedly tried to "cover up" her mother's fall, she decided to care for her at home.

Owen's family alleges that in February 2010 at Yaletown House, a notfor-profit long-term care facility, Erna Luttmmer, a 95-year-old severe dementia patient, fell and broke her hip during a transfer while being inadequately assisted, and that she was left alone and in pain while staff failed to acknowledge her injuries.

Owen says she has retained a lawyer who in September put forward five "major complaints" to the Patient Care Quality Review Board, because the family is not happy with responses from Coastal Health.

"They did horrible things all the time we were there," Owen alleged, adding that she was not satisfied with the facility's investigations.

Owen said she is not interested in suing anyone, but paid a \$25,000 retainer for the legal firepower because she wants to advocate for seniors and get the system to pay attention.

"Vancouver Coastal does not want to admit all the wrongdoings because it sheds a bad light on them, on what is really happening in care homes," Owen said. "The authorities need to know what is going on."

Yaletown House management declined an interview request.

Coastal Health spokesman Gavin Wilson said: "Regarding the Yaletown facility, the matter was fully investigated by [Coast Health's licensing arm] and addressed appropriately at the time."

Back in West Vancouver, Candice Lindsay says that after her father died this summer and she read Boomerangst stories, she got a "shot in the arm" to advocate for change. She is adamant that the government should enact legislation to regulate all senior care homes under one law and institute an independent advocate to investigate allegations of abuse.

A care home investigating itself "is the equivalency of a family investigating a statement from their child that he or she has been abused," Lindsay said. "It is ludicrous."

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