

# Elsie King's daughters take Eastern Health to Court over hospital visitation

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An 88-year old patient's daughters say Eastern Health cut their visiting rights when they questioned the care she was receiving. Eastern Health says it cut visits because their behaviour toward staff was unreasonable and aggressive. Each is taking the other to court.

CBC On the Go

Host Ted Blades with Jessica Doria Brown

Tuesday June 12, 2012 – St. Johns, Newfoundland and Labrador

Transcript:

There's a battle going on at Eastern Health (St. Johns, Newfoundland) and the family of an 88-year-old woman.

Yvonne and Grace King say their mother Elsie was getting inadequate care at the Health Sciences Centre and when they spoke up about it, the health authority punished them by cutting the amount of time they're allowed to spend with her.

But Eastern Health says it restricted their time at the hospital because of their rude and aggressive behaviour towards the staff.

The situation has gotten so bad that the sisters are taking Eastern Health to court and one of the sisters, Grace, to court as well.

From the sisters' perspective, they say their mother has been getting second-rate care because of her advanced age. Yvonne King says staff delayed giving their Mom antibiotics, and they wouldn't use a safety belt consistently to transfer her from her bed to the chair. They say that the staff have referred to her as "nursing home material".

They say the hospital staff really resented it when they asked about their mother's care. Yvonne King says the nurses wouldn't even follow the doctor's orders when it came to their mother. She said that's when the relationship between the daughters and the nurses fell apart.

Yvonne King says "What happened shortly after hospitalization was that three particular nurses, on the weekend in question, refused to honour the medical orders

that were written by a doctor. My mother was left, a couple of days after hospitalization, with the inability to swallow.”

“So the treatment was, mobilize this lady, get her up, try to therapeutically feed her by mouth, and do these vocal exercises which would strengthen the muscles in her throat and her mouth. The nurses decided that the vocal exercises were not a medical necessity. She was old, we were told, she was frail, she nursing home material, and let her die. That’s what we faced from square zero.”

“So what we did was, we put in a complaint. It’s been a downhill battle ever since.”

The sisters say that because they asked questions, because they weren’t getting along with the nurses, that Eastern Health started sending them letters warning that, if their behaviour continued, their access to their mother would be restricted.

After a few weeks, Eastern Health did indeed start to limit their time with their mother.

Yvonne King reads from a letter from Eastern Health: *‘We will be closely monitoring all restrictions outlined to you today. Any deviation will result in further restrictions including no visitation and/or involvement of appropriate authorities.’*

“We have heard that over and over, in multiple letters.” says Yvonne King, “Every single Friday we get a letter saying “If we’ve been good...” If we haven’t been good, we get no visitation. If we question anything, we get no visitation.”

“In fact on May the 11<sup>th</sup>, our phone calls have now been restricted. We only are allowed two phone calls for a 24-hour period, and they only have to be a duration of 5 minutes.”

“We call because we’re not allowed in the hospital to visit our mother that day. We want to know what’s going on. How dare these people restrict our visitation, and restrict our phone calls. What gives them the right?”

That’s why the daughters are taking Eastern Health to court, to restore full visitation and access to their mother. They want to be able to see her the way any other person is allowed to visit their loved ones in hospital. And they want to continue to have an active role in her care.

CBC requested an interview with Eastern Health and their lawyer but both requests were declined for privacy reasons. But, the health authority did hand-deliver their response to the application for access that the King sisters had filed in supreme court. That included summaries of meetings that they had with the sisters to try to resolve this situation.

This document is about 150 pages long, and included copies of emails and letters sent by Eastern Health to the sisters, statements from the hospital staff, affidavits.

This quotation basically sums up Eastern Health's legal position: "The stay of Elsie King at the Health Sciences Centre has been characterized by extreme difficulties, caused not by Elsie King, but by her daughters Yvonne and Grace, who've exhibited extreme examples of aggression, unreasonable demands, harassment of staff, interference with nursing medical care, interference with care of other patients, and generally, a lack of consideration or appreciation of the role of nursing staff, medical staff and other health care professionals.'

Eastern Health gives many examples of alleged aggression. They say the sisters have raised their voices, have said things such as "You don't even deserve to be looking at my mother." "I just wasted an hour while you were on break." "Stop tormenting my mother." The pile of documents accusing the sisters of barricading their mothers' room, saying, at times, they have turned the lights off, interrupted meetings. One nurse said that Yvonne King wished another doctor would go to hell.

They accuse the sisters of using foul language, but no specific examples are given. They say, at times, the sisters have refused to leave their mother's room so that care can be provided. They say the sisters have verbally threatened staff. One of the documents says that a "red-faced Grace wagged her finger and said to a nurse, 'Just you wait and see what happens to you at 7:30.' "

Eastern Health also charges that the sisters physically blocked the movement of staff and interacted with other patients and visitors in a manner that is offensive and disrespectful.

And there's an assault charge as well. One nurse has charged Grace King with assault for putting her hand up to her face. Now Grace didn't actually touch her but the nurse says that's only because she was able to move out of the way and because security and the RNC (police) arrived. Security is posted outside Elsie King's room 24 hours a day. That assault charge is pending as well.

Eastern Health is not trying to protect Elsie King from her daughters. There hasn't been any suggestion whatsoever of elder abuse, it's just two parties disagreeing.

What about the woman caught in the middle of all this, 88-year-old Elsie King? What does she say? Reporter Jessica Brown, "I only got to talk to her very briefly because it's difficult for her to speak, her throat is under a lot of strain, and it's hard just to hear her. But, I asked her what she hopes will happen next."

Elsie King: "I don't care very much now what happens. I don't think about my future because I haven't got a future now."

Elsie King was transferred to Escasoni Complex last week. Eastern Health says the same visitation restrictions will be waiting there for both the sisters. Things seem to have gotten a little better for both sisters. At least now they're able to visit together,

whereas before part of the restriction stipulated that they had to arrive separately. But, they still can't come and go as they please as normal visitors do.

The sisters say that their Mom has missed out on countless hours of personal care that the daughters have been providing for years. They want to take her for walks, they want to bathe her, they want to read to her, and do many of the things that staff at the hospital and now Escasoni Complex(nursing home) just don't have time for. Plainly, they just want to be with her.

Grace and Yvonne King both say their Mom is going to die alone, without them. Grace King says "Mom always asks me, 'What did I ever do that was so wrong to be treated in this way?', and she cries. I try not to cry, for her, but I break down every time I see her because I don't know when the last time will be. I'm always so afraid that the last time I see her will be her sitting in the wheelchair, looking forlorn and sad as I go through the door."

"Yah, we asked questions, but that's what you do for loved ones. In a province known for its kindness, I was astonished and appalled by the interactions of most of the medical staff with us, and Mom."

The sisters' case against Eastern Health was supposed to be in court a couple weeks ago, and now, it's supposed to happen this week.

Ted Blades and Jessica Doria Brown, CBC

<http://www.cbc.ca/onthego/episodes/2012/06/12/elsie-kings-daughters-take-eastern-health-to-court-over-hospital-visitation/>