

## **Patient wins \$3 million in neglect suit - The Fair Oaks nursing home's violations constituted elder abuse, the woman's attorney says.**

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An 82-year-old woman won an unusual \$3 million judgment against a nursing home for elder neglect that resulted in the amputation of both her legs.

A Sacramento Superior Court jury on Thursday found in favor of Annie Mae Ollison in her civil lawsuit against The Homestead of Fair Oaks convalescent care center, which is operated by Eskaton.

Wendy York, Ollison's attorney, said it's the first judgment in Sacramento County against a nursing home under the state's elder-abuse law.

York said the neglect was severe enough to constitute elder abuse and hopes the judgment will serve as a warning to other nursing homes.

"We're hoping it sends a message to the nursing-home industry to protect our loved ones," York said. "The only way to hold these nursing homes accountable is civilly."

John Breaux, chief executive officer of Eskaton, a nonprofit senior health care company that serves about 2,400 people in Northern California, said it's his first lawsuit judgment in 34 years of operation.

"I was truly shocked and devastated when this came down," said Breaux, who said an appeal is being considered. "Our quality assurance process is such that we believe we do give good care."

After a seven-week trial, the jury found that Eskaton was responsible for Ollison's injuries, which will require that she spend the rest of her life in a nursing home, York said. Ollison had been living independently when she entered the home for rehabilitation after surgery and complications from diabetes.

York said her care was "substandard to the point of abandonment," resulting in bedsores that went to the bone. Within six months both her legs were amputated, according to the citation and \$15,000 fine from the state Department of Health Services.

Breaux said he could not discuss the specifics of Ollison's medical condition but that the issues involved were complicated.

Prescott Cole, an attorney for California Advocates for Nursing Home Reform, said most complaints against nursing homes are settled confidentially before getting to trial.

Last year, there were 793 citations against nursing homes in California for care violations. He said the judgment is much higher than fines of \$20,000 or less.

"It should act as a deterrent" to substandard care, he said. "They respond to costs. These are business people."