

Cruces Home Settles Death Suit

Lawyer Says Family Will Get \$312,500

BY RENE ROMO
Journal Southern Bureau

LAS CRUCES — Mountain Shadows Nursing Home has agreed to settle a medical malpractice suit by paying \$312,500 to the family of an 87-year-old woman who died in 1993, according to the family's attorney.

Delphina Viramontes of Deming lived at Mountain Shadows from May 28 to Aug. 4, 1993, when she was taken to the Memorial Medical Center emergency room severely dehydrated, malnourished and heavily sedated, according to the suit filed in Luna County District Court. Viramontes died Aug. 22 from gastrointestinal hemorrhaging.

When told of the settlement, nursing home owner Wes Handy said, "They have never proved anything in a court of law. We certainly do not admit to any liability whatsoever."

Handy said Tuesday that he did not know about the settlement.

"I know absolutely nothing about that,

and I can't comment in any way, shape or form," he said. "I do not know any of the particulars of the suit."

However, Handy later said that all of Viramontes' medication was administered on the advice of her doctor.

Attorney Carl Bettinger, who represents Viramontes' son, Raul Viramontes of Deming, said in a telephone interview Tuesday that the settlement was reached Monday in Albuquerque after a half-day of mediation.

The settlement has not been filed in court, but Bettinger said he expected it would be filed by the end of the week.

"It was the family's belief, and our allegation in the lawsuit, that her death resulted from the neglect, malnourishment and dehydration that occurred at Mountain Shadows," Bettinger said.

Under terms of the settlement, Mountain Shadows did not admit any liability for Delphina Viramontes' death, Bettinger said.

Mountain Shadows attorney Ben Allen could not be reached for comment Tuesday.

Donald Wilson, administrator of the 156-

bed intermediate- and skilled-care nursing home, declined to comment on the case, saying he was unfamiliar with the suit.

The federal Department of Health and Human Services fined Mountain Shadows \$144,300 in March after inspections by state health officials last year found lapses in the care and treatment of residents, patient social services, infection control and administration, said Roy Weidner, long-term care program manager for the state Health Facility Licensing and Certification Bureau. Those findings were unrelated to Viramontes' case.

According to a 76-page report on the October 1995 inspection, state officials discovered one resident hadn't received treatment for bed sores on his legs for 23 days. Other problems ranged from patients not having access to phones on weekends to patients being left in their own urine, Weidner said.

Mountain Shadows originally was fined \$222,000 for violations of federal medical care regulations found between Oct. 2 and Dec. 7, 1995, but the penalties were reduced 35 percent to \$144,300 after the nursing home waived its appeal in February.