

# Suit Says Patient Died 'in Pain'

## Abuse Alleged At City Nursing Home

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Understaffing, poor training and negligent hiring have been raised anew in a state court lawsuit against ManorCare Inc. in connection with the 2002 death of a 93-year-old Albuquerque woman at the chain's Camino Vista unit.

Even two days after the woman had died, staff at the 135-bed facility on Constitution NE in Albuquerque continued to chart the woman's incontinence, meals and bathing status, the suit alleges.

The lawsuit was filed Friday by Pelagia Delgado's son Alfredo on behalf of his mother's estate alleging physical abuse by nurse Rose Davis and negligent hiring and supervision, breach of contract, mis-

representation and wrongful death by ManorCare, the Ohio-based national nursing home chain.

Davis, the licensed practical nurse charged with Pelagia Delgado's care, ignored calls for help, leaving the woman to die "alone, in pain, with the unanswered call bell in her hand," the suit claims.

The lawsuit is one of eight that have been filed since 1996 in New Mexico alleging abuse or neglect of residents at ManorCare facilities. One of the most recent settled for unspecified millions of dollars four days into trial.

The new suit was filed just days after Davis was sentenced by District Judge Ross Sanchez to three years' probation on state criminal charges. Davis, who is no longer employed by ManorCare, entered a no contest plea to two counts of abuse of a resident causing substantial pain

or incapacitation.

Davis will be required to complete an anger management course and pay restitution as part of her sentence. She also lost her nursing license for three years and is barred from working with elderly people without prior approval from her probation officer.

The Delgado family's suit says Davis had been fired from a prior nursing home job for failing a drug test and ManorCare knew or should have known that.

ManorCare spokeswoman Julie Beckert said Tuesday that the company hasn't received a copy of the lawsuit and can't comment on it.

According to the complaint, Pelagia Delgado began having chest pain the evening of Dec. 26, 2002, and the pain continued to the following morning. But her calls for help allegedly brought no response, and she

was found dead by a nurse other than Davis.

The lawsuit contends staff members' training consisted primarily of a brief walk-through of the facility before they began caring for patients.

Other staff were aware of Davis' abuse of Pelagia Delgado, including ignoring calls for help to deal with chest pain, but failed to immediately report it to the family or any authority, the suit claims.

On Dec. 27, 2002, Davis injured a second patient at the facility by dragging her across a carpeted floor and leaving the patient there, the suit alleges.

Attorney Carl Bettinger, who filed the suit for the Delgado family, said five of the eight cases against ManorCare involved wrongful death claims. The state Adult Protective Services substantiated neglect by ManorCare in at least five cases, he said.