

# Family gets \$2 million in elderly abuse case

**PAIN, SUFFERING:** *Suit alleges workers at board, care facility left woman lying in her own vomit.*

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Staff writer

The family of an elderly Oxnard woman who died after workers at a board and care facility were ordered to leave her lying in her own vomit for hours has received a \$2.2 million settlement in an unprecedented lawsuit alleging elder abuse.

Lorraine Konblett, 74, lapsed into a two-month coma after the incident at Channel Islands Gardens in Oxnard, then died in January without ever regaining consciousness. Her death was a result of pneumonia and lung failure



Staff photo by **Richard Quinn**

caused by inhaling her own vomit, according to the suit filed in Ventura County Superior Court.

"I never got to speak to her again," said Konblett's daughter, Sheila Schlichter. "She turned 74 that morning, and I was coming to get her and take her out for her birthday. I wouldn't have known anything about what had happened if an employee there had not called me and told me I'd better come check on her."

Attorneys for the defendants could not be reached for comment. The

board and care facility is under new ownership, which is not implicated in the case.

The civil action was filed under California's Elder Abuse Statute, which allows families to sue for pain and suffering damages if it is proven that caretakers acted with malice, fraud or great recklessness.

The \$2.2 million settlement figure, which was recently paid by the facility's insurance company, is an unprecedent-

## **ELDERLY CARE:**

Sheila Schlichter's family received \$2.2 million to settle their lawsuit against Channel Islands Gardens, a board and care facility. Schlichter's mother, a former resident of the facility, died in January after a two-month coma.

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# ELDERLY ABUSE: Court favors family

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ed amount. Such cases usually involve medically licensed nursing homes that are protected civilly by a \$250,000 cap on pain and suffering damages. Channel Islands Gardens is a board and care facility, which helps the elderly with daily living but not serious medical conditions.

Schlichter's attorney William Berman said the case was settled once the defendants realized that numerous staff members told the grim story of what happened to Konblett in sworn statements that were videotaped.

According to those employees, Konblett began feeling extremely ill shortly after midnight Nov. 15. During the next three hours, she pulled her emergency call cord repeatedly to summon help. Her frequent calls angered the night supervisor, Felipe Marcello, who ordered a certified nurse assistant monitoring Konblett to "tie up Lorraine's cord so she could not bother them anymore."

The assistant tied up the emergency call cord, despite Konblett's pleas of "No ... No ... Don't tie up my cord." The assistant also unplugged the telephone in Konblett's room and pushed the disabled woman's wheelchair out of reach.

Four hours later, another nursing assistant came on duty and discovered Konblett lying on the floor covered in dried vomit.

He also testified that the pull cord was tied up, and the phone unplugged.

The assistant notified Marcello, who was still on duty.

"(Marcello) indicated that he was aware that Mrs. Konblett was on the floor and indicated that she had been there 'all night,' " according to the lawsuit. "(The assistant) further testified that Felipe Marcello instructed him to 'check out other residents before attending to the needs of Mrs. Konblett.'"

The assistant disobeyed Marcello and returned to help Konblett, who was having great difficulty breathing by then. He notified the day shift supervisor of the problem, but he refused to check on or help Konblett because he was "too busy passing out the medications of other residents."



Photo courtesy of Sheila Schlichter

**DECEASED:** Lorraine Konblett had turned 74 the morning she was left lying in her own vomit in Channel Islands Gardens, a board and care facility.

When the day shift supervisor finally checked on Konblett at the assistant's insistence, an hour had passed. Konblett was by this time in serious condition and had to be rushed by ambulance to the hospital. She was diagnosed with respiratory failure, and clung to life in a coma until Jan. 19.

Schlichter met her mother at the emergency room, after another worker called to tell her about the incident.

"They murdered her; as far as I'm concerned they killed her by not saving her," said Schlichter, who put her mother in the facility only after an accident left her partially paralyzed in early 1998. "If they would have gone to her, she would have been all right."

While details of such civil cases are often kept confidential as part of a settlement agreement, Schlichter and Berman, of San Diego, insisted the case be made public as a warning for other families.

"After awhile, it wasn't about money anymore, it was about public disclosure to make people aware that elder members of society aren't getting the care they deserve," Berman said. "There are so many similar incidents of people whose parents are dying in nursing homes and board and care facilities ... there is horrific abuse and neglect going on in these facilities."