

Whistleblower sues over her firing

by: KIM ARCHER World Staff Writer
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MANNFORD — A Mannford woman is suing Cimarron Pointe Care Center and one of its contractors for wrongful termination after she reported abuse and neglect of the nursing facility's residents, according to a petition filed in Creek County District Court.

The nursing facility is one of six Oklahoma nursing homes and one assisted-living facility in which Eddie Martin of Sallisaw has an ownership interest.

Several of the homes have been plagued by problems, including Bartlesville's Silver Lake Care Center, where an employee was charged with two felony counts of caretaker abuse.

Mannford's Cimarron Pointe is one of three of Martin's homes that has lost federal dollars for new admissions in the past. The Coweta home has come close several times.

And one, Shawn Manor in Ponca City, received an "F" rating, which is a high scope of severity, in an April 9 inspection. If the facility doesn't come into compliance on a revisit, federal dollars will be pulled for new admissions July 9, according to state records.

In a petition answering Diana Harris' allegations, Cimarron Pointe Care Center denies any improper care of its residents. It also states that Harris was employed by Health Care Services Group, so the nursing home isn't responsible for her termination.

Attempts to contact Martin were unsuccessful. A call to his attorney wasn't returned.

In the lawsuit against Cimarron Pointe filed in Creek County, Harris said she worked as a housekeeper at the facility for three months, according to a court petition dated March 2007. She was paid by Health Care Services Group, a Tulsa company contracted by the home to provide cleaning services, and supervised by nursing home staff.

During her employment, she said she observed numerous instances of improper care of the home's residents.

"Mrs. Harris observed a male resident who had been left in his own waste for so many hours that he had feces caked on to his leg from his hip to below his knee, and had wet himself at least one time," the petition said.

She told the Tulsa World she saw the man sitting in his waste and reported it to her supervisor, the head nurse and two nurse's aides. Her supervisor sprayed deodorant in the man's room to cover the smell. The aides said they would leave him for the next shift.

"Two and a half hours later, he was still sitting in his own waste," Harris said. "He couldn't say nothing. I would always talk to him. He would just light up when I went to clean his room. It's heartbreaking when you see a resident not being taken care of."

Also, an elderly woman paralyzed from the waist down was left in her own waste, Harris said. She rolled out of the bed and into the hallway to get someone to change her soiled garments and the nurses "just laughed at her," Harris said.

"On another occasion, Ms. Harris brought the needs of another female resident to the attention of the nursing staff. The resident's needs were ignored, prompting the resident to write a letter to her family saying goodbye, in anticipation of death from neglect," the petition states.

Another female resident, who was unable to sit up alone, was left on a bench in the shower. She fell and hurt herself, the petition said.

Harris reported each instance of neglect or abuse to the facility's staff. But once the staff learned she

intended to seek the advice of her husband, Jerry, a retired private investigator known for exposing elder abuse, she was fired, the petition said.

The home's administrator and a supervisor from Health Care Services Group of Tulsa, the contractor that paid Harris, fired her, it said.

"Ms. Harris was advised that the only basis for her termination was her reporting of the abuse," the petition said. "Ms. Harris had not done anything else to merit termination, and no other basis for termination were discussed or even suggested."

"I think when I was let go it was for retaliation," Harris said.

Her attorney, Derek Lawrence, said Harris is seeking compensation only for wages lost, although punitive damages may be sought. A pretrial conference has been set for July 30.

"Her No. 1 concern is that the abuse and neglect needs to stop at the home," he said. "And to protect other employees, she wants to take a stand."

In Bartlesville, 31-year-old Jason Pearl remains in Washington County jail on charges of caretaker abuse and a misdemeanor charge of verbal abuse at Silver Lake. That home had been cited in February for failing to have an effective system "to screen for, prevent, identify, report and investigate abuse."

Shawn Manor in Ponca City, which received the "F" rating, will lose federal monies for new admissions as of July 9 if it doesn't correct deficiencies, said Dorya Huser, the state Health Department's chief of long-term care.


If the home still isn't in compliance, its participation in the Medicare and Medicaid programs will be terminated Oct. 9, she said.

Martin has ownership shares in Glenpool Health Care Center, Sequoyah Pointe Living Center in Owasso, Rolling Hills Care Center in Catoosa, Coweta Manor Nursing Home; Pleasant Springs assisted living center in Colcord; and Shawn Manor Nursing Home in Ponca City.

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