



January 25, 2009

## Nursing home caregiver facing battery charge

A 94-year-old nursing home resident was allegedly "slapped and slugged" in the face after spitting at a nursing assistant.

**By SETH SLABAUGH**

*seths@muncie.gannett.com*

MUNCIE -- A certified nursing assistant (CNA) is facing trial in April on a felony charge of punching a 94-year-old nursing home resident in the mouth.

Karen S. Buck, 48, Eaton, is charged with Class D felony battery resulting in bodily injury to Vera Talbott, who was an endangered adult at the time of the June 2, 2007, incident.

Buck allegedly punched Talbott after Talbott spit at her.

"That's a lie," Buck said in an interview. "That's why it's going to court. It's a lie. None of it's true. I wouldn't do that."

The nursing home also denies that Talbott was attacked.

Talbott's daughter, Jenette Sloan, a waitress and house cleaner from Muncie, says she still loses sleep over the incident.

"It's a nightmare when you have a parent in a nursing home," said Sloan, who is suing Buck and the nursing home. "It's the worst thing that could ever happen. It's a hurt you can't get over."

Battery becomes a felony offense when the victim is a law enforcement officer, a child under age 14, mentally or physically disabled, a school employee, a correctional officer, or an endangered adult, which includes people at least 18 years old who can't provide self care because of mental or physical deterioration.

Talbott entered Williamsburg Village nursing home, now doing business as Golden Living Center, 2701 Lyn-Mar Drive, after suffering a stroke.

When it came to visiting her mother, Sloan never missed a day.

"When I was not working, I was with my mother," Sloan said. "One morning in June, I went in there about 11 a.m. on a Saturday. Mother's face was red. Her food was just sitting there and she was drugged almost unconscious. I asked what was wrong with my mother's face, and they wouldn't tell me."

After Sloan left to go get her daughter, a nurse called and said: "We need to send your mom to the hospital. She was hit by one of the CNAs."

Sloan said a Muncie police detective told her that a fellow CNA saw Buck "slug and slap" Talbott in the face two or three times, resulting in a black eye and two other facial bruises.

"The other CNA told on her," Sloan said. "If the other CNA hadn't been honest and told on her, they

probably would have said she fell down. The other CNA said Karen Buck attacked mother because she spit on her. My mother's feet had sores, and they hurt her when they put on her stockings. That's why she spit at her."

Talbott couldn't speak because of her stroke.

## Nursing home statement

Ben Wells, executive director of Golden Living Center, issued a statement on Saturday regarding the incident.

"This happened in June 2007, and we immediately and proactively acted to protect our patients upon learning about the alleged incident. We self-reported this allegation to the proper authorities. The incident was fully investigated by the state, the ombudsman, the police and the attorney general's office. After the investigations were concluded, the alleged abuse was not substantiated, and the prosecutor has declined to pursue the case."

In fact, however, the prosecutor's office did charge Buck with felony battery, on Feb. 6, 2008. Buck, who is represented by a public defender, has pleaded not guilty. During a pre-trial conference on Oct. 16, the parties told Judge John Feick of Delaware Superior Court 4 that they were ready to proceed to trial by jury on Nov. 14.

But on Nov. 10, Feick continued the trial until April 24 because of congestion of the court's calendar.

"That's still an ongoing case," said Joe Orick, a deputy prosecutor, on Friday. "We have depositions scheduled for Feb. 5. It's still working its way through the system."

In a written response, Wells said: "This individual (Buck) has not been employed by us since June, 2007. If the attorney general's office or other local authorities decided to pursue this as an open matter, we would not be aware of it."

## 'Brutally assaulted'

Talbott died on Sept. 2, 2007. In the civil lawsuit, lawyers representing her estate maintain that Talbott was "brutally and savagely assaulted and beaten" by Buck. As a result of the nursing home's negligence, Talbott suffered a number of physical problems, complication of which ultimately led to her wrongful death, the lawsuit alleges.

Lawyers defending the nursing home and Buck have denied all of those allegations.

Buck sent a hand-written letter to the judge of the lawsuit stating: "I deny any charges or complaints against me. I am not guilty."

The Centers for Medicare and Medicaid Services (CMS) recently gave the 117-bed Golden Living Center a four-star rating, which is above average, based on inspections, staffing levels and quality measures. Along with Ball Memorial Hospital and Willowbend Living Center, Golden Living Center is the highest-rated nursing home in Muncie, according to the CMS ratings.

However, the state department of health gave Golden a report card score of 248 (on a scale of zero to 1,029, with a higher score reflecting more deficiencies), which is a below average score. The state average is 193.

The deficiencies cited by the state include issues related to pressure sores and unnecessary catheterizations.

Even though the nursing home calls the allegation against Buck unproven, she was immediately removed from her job after the June 2, 2007 incident. It's unfortunate that Buck was removed, "but our residents need 100 percent faith" in the staff, Wells said.

