



May 27, 2009

Family sues Millville nursing home

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Staff Writer

BRIDGETON -- The family of an elderly Bridgeton woman claims a Millville nursing home intentionally misled them by promising she could remain in the facility after she depleted her personal savings, and then threatening her with eviction when she did, according to a lawsuit.

The family of the late May Elizabeth Hunish contends in the complaint that the threat of eviction from Maurice House was a factor in her death soon after she received the notice in June 2007.

The allegations in the lawsuit echo the findings of an 18-month investigation by the state Office of the Public Advocate. The results of the investigation were released last month, and allege that Assisted Living Concepts Inc. involuntarily discharged or threatened with discharge from the company's facilities several elderly residents like Hunish when they drained their personal savings and became eligible for Medicaid.

Wisconsin-based Assisted Living Concepts operates Maurice House and seven other assisted living facilities in New Jersey.

Ronald Chen, state public advocate, said previously that administrators at the facilities "failed to inform and misled some residents" about their policy for accepting Medicaid.

Chen said the problem was based in part on a change in corporate policy at the company in 2006, in which it sought to increase profits by reducing its number of Medicaid-eligible residents.

Laurie Bebo, president and chief executive officer of Assisted Living Concepts, did not respond to a request for comment on the lawsuit Tuesday. She said previously that the company denies the allegations made by the Public Advocate, and that the company's certificate of need, or license to operate in New Jersey, does not require it to accept a minimum number of Medicaid-eligible residents, which the Public Advocate's Office disputes.

The lawsuit was filed Tuesday in state Superior Court here by attorney Shanna McCann of Bridgeton on behalf of Todd and Warren Buirch, the executors of Hunish's estate.

Todd Buirch is Hunish's grandson and Warren Buirch is her son.

Todd Buirch said in an interview Monday his family filed the lawsuit "to prevent any other parents or grandparents from having to go through this with Assisted Living Concepts. It's not about money; it's about stopping this. We want to change the way they do business. We don't want to see any more people being evicted."

The 11-count lawsuit seeks unspecified compensatory and punitive damages.

It accuses Assisted Living Concepts of, among other things, consumer fraud, breach of contract and negligence.

According to the lawsuit, Hunish moved into an apartment at Maurice House in March 2005 after being diagnosed with dementia.

The lawsuit contends that officials at Maurice House made verbal promises to Hunish's family that she could remain in the facility once she depleted her personal savings and became eligible for Medicaid.

But, according to the complaint, after Hunish did become eligible for Medicaid in March 2007 by spending her savings of \$150,000, the facility informed her family that she'd have to move into an apartment at Maurice House with another resident or leave the facility.

Her family paid \$3,000 of their own money to keep Hunish at the facility as long as possible, according to the complaint.

Two months later, Hunish slipped and fell while she was unattended in her bathroom at Maurice House, shattering her femur. While she was hospitalized, her family told her about a discharge notice issued by Maurice House to her on June 12.

"She grew increasingly distraught and her will to live decreased," the lawsuit contends. "She constantly cried and expressed that life was no longer worth living."

Hunish died on June 16, 2007. She was 84.

Additional Facts

AT A GLANCE

- Assisted Living Concepts Inc. operates Baker House in Vineland, Goldfinch House in Bridgeton, Maurice House in Millville, Lindsay House in Pennsville, Mey House in Egg Harbor Township, Chapin House in Rio Grande, Granville House in Burlington City and Post House in Glassboro.
 - Medicaid is a joint state and federal program that provides health care for low- and moderate-income residents.
 - To report a suspected case of involuntary discharge, call the state Office of the Ombudsman for the Institutionalized Elderly at (877) 582-6995.
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