

Wrongful death lawsuit filed against Bakersfield hospital in connection with patient's death

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An elder neglect and wrongful death lawsuit has been filed against a Bakersfield hospital in the death of an 80-year-old Korean War veteran who fell from his bed after a nursing assistant failed to properly set a side rail, attorneys with Chain Cohn Stiles said Thursday.

The lawsuit, filed Thursday against Valley Convalescent Hospital, comes a week after the facility received a \$100,000 fine and Class AA Citation, the most severe penalty under state law, in connection with the death.

According to the lawsuit, Robert Hopkins suffered a total of nine falls from the time he was admitted to Valley Convalescent Hospital in June 2015 to his death on March 1. Some falls were from his bed, others from a wheelchair.

Also, the lawsuit states Hopkins developed a serious bed sore and "skin abnormalities" on the back of both arms, the back of his left leg and throughout his back as a result of not being repositioned often enough.

Before being placed in the facility, Hopkins suffered multiple strokes, had diabetes and his right leg was amputated below the knee. He was classified as being at risk to pressure sores and falls.

"The purpose of filing this lawsuit is to prevent these types of



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Attorney Neil Gehlawat discusses the lawsuit Chain Cohn Stiles filed against Valley Convalescent Hospital in the death of Robert Hopkins. From left is Hopkins' widow, Patricia Hopkins, daughter Shannan Ogilvie, and son-in-law Paul Ogilvie.

tragedies from occurring again in the future," attorney Neil K. Gehlawat said. "Valley Convalescent and other skilled nursing facilities need to understand that if they drop the ball when it comes to patient safety, there will be consequences, and those consequences will be severe."

Hopkins suffered a fracture in

his vertebrae after falling from his bed in the hospital in February, according to reports. He was taken to Mercy Southwest Hospital for about a week, then returned to Valley Convalescent Hospital on Feb. 28, where he died the next day.

California Department of Public Health determined Hopkins'

death was a result of his fall.

Patricia Lea Hopkins, Hopkins' wife of 59 years, said during a press conference at Chain Cohn Stiles that before her husband's death she was only aware of one or two falls he had at the facility.

She said when they first visited the facility in 2015, she was disappointed with what she saw,

but "there were some nice people there." Her husband needed extra care because of his numerous medical conditions, but the insurance he was on, as well as crowding at other facilities, limited the places that would accept him.

Gary Jarvis, risk manager for Valley Convalescent, said CDPH did a second survey of the hospital recently after "new services, some policy revisions" were made. He said issues raised by CDPH have been corrected.

"People falling in nursing homes is a common occurrence," Jarvis said.

It remains unknown, he said, exactly how the side rail came down.

CDPH has taken action against Valley Convalescent Hospital 15 times since 2006, fining it as much as \$20,000 in 2007, state records show. In total, the facility has been fined more than \$160,000 since 2003. Just this year, it has received eight complaints, self-reported seven incidents and CDPH has found 28 deficiencies.

Of the seven self-reported incidents, three included patient abuse. Two of those were between residents, however one included an employee abusing a patient, records show.

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