

Convalescent hospital hit with \$100,000 state fine in connection with patient death

BY HAROLD PIERCE
hpierce@bakersfield.com

An 80-year-old dementia patient fell from his bed and died at Valley Convalescent Hospital in February, something a state public health investigation determined this month came as a direct result of poor care at that facility.

The hospital has been fined \$100,000 and received a "Class AA Citation," the most severe penalty under state law, the California Department of Public Health announced Wednesday morning. If the facility incurs another Class AA Citation in a two-year period, it could risk losing its license.

Romulo Lomibao, the hospital administrator who oversees the 87-bed facility that cares for those recuperating from illnesses and operations, wouldn't comment to The Californian other than to say the investigation had "been lifted and cleared," before



HENRY A. BARRIOS / THE CALIFORNIAN

Valley Convalescent Hospital in Bakersfield operated with deficiencies that led directly to the death of a patient, a state public health investigation determined. The hospital has been fined \$100,000 and received a Class AA Citation, the most severe penalty under state law, the California Department of Public Health announced Wednesday morning. Read the full investigation report at Bakersfield.com.

hanging up on a reporter. Investigation reports confirm the facility has come into compliance by ensuring all beds have working

guard rails.

The patient fell Feb. 21, after a certified nursing assistant repositioned him in his bed, but didn't ensure

a guard rail was up, according to a state investigation report.

That man's roommate said he saw him roll out of bed at about 4 p.m.

"I was watching TV when I heard him yell, 'I'm falling, I'm falling,'" his roommate said. "All I can say is when he fell, the side rails were down. I saw it clearly."

The result of the fall? A fracture in the "second cervical vertebrae just below the skull that protects the spinal cord," the report states. He stayed at a local hospital for about a week, then returned to Valley Convalescent Hospital Feb. 28, where he died the next day.

His medical records suggest the cause of death was a fracture, a cardiovascular accident and dementia, but CDPH determined it was a direct result of his fall.

"The violation presented either an imminent danger that death or serious harm would result or a substantial probability that death or serious physical harm would result, and was a direct proximate cause of death of the resident," the report states.

It's not the first time Valley Convalescent Hospital has been fined by the CDPH, or had patients complain about falls.

Since 2012, the agency has recorded nine complaints of patients falling, eight of which were self-reported. It's unclear how

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CDPH to hand down a penalty as severe as the Class AA Citation, said Leslie Morrison, director of investigations at Disability Rights California, a state-wide advocacy organization that has researched state penalties against nursing homes and lobbied for more consistency in the process.

That's because the threshold to prove a "direct proximate cause of death" is exceedingly high, Morrison said. Her agency reviewed thousands of penalties handed down by the CDPH between 2000 and 2014 and found that in many cases, there's little difference between what constitutes a Class A citation and the more severe Class AA citation.

"The department is not always able to issue that level of citation in the case of deaths that, in our opinion, the conduct of the staff was the direct cause of the individual's death," Morrison said. "It's tragic that you have someone who's died and that the death was directly caused by the facility, but if that's the case, we're glad to see the department issuing a citation at the maximum level they could."

Harold Pierce covers education and health for The Californian. He can be reached at 661-395-7404. Follow him on Twitter @RoldyPierce

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