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Northwest Personal Injury Litigation Reports

ESTATE OF CLIFFORD BAILEY V. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL & HEALTH SERVICES, ROGER PARMENTER, AND MICHAEL LINDLEY

Case No. 00-2-00861-1

Settlement Date: January 25, 2002

Date of Publication: April, 2002

2002 WA Jury Verdicts & Sett. LEXIS 1127

TOPIC: ADULT FAMILY HOME & DSHS NEGLIGENCE; DEATH; SEVERE BEDSORES, SEPSIS, MALNUTRITION & DEHYDRATION.

RESULT: PLAINTIFF SETTLEMENT for \$ 262,500. (Def. Parmenter and Lindley were criminally prosecuted by the Clallam County Prosecutor's Office. Both men plead guilty to first degree criminal mistreatment.).

INJURY: Death; severe decubitus ulcers (bedsores), sepsis, malnutrition and dehydration.

STATE: Washington

COUNTY: Clallam

PLAINTIFF ATTORNEY(S): David P. Moody; Lafcadio Darling, both of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim (Seattle).

DEFENDANT ATTORNEY(S): Ed Winskill of Davies & Pearson (Tacoma) for Def. DSHS; James P. Moynihan; Jay E. Bitseff, both of Bauer, Moynihan & Johnson (Seattle) for Def. Parmenter.

SUMMARY: 8/16/99 - Plff, male age 97, retired logger. Plff was living in Port Angeles, Washington. Due to Plff's advanced age, he was non-ambulatory and needed assistance with almost all activities of daily living. Due to Plff's condition, Plff and his family decided to seek care in Def.'s adult family home which was owned and operated by Def. Parmenter. Def.'s adult home was licensed by the State of Washington, Department of Social and Health Services (DSHS). Plff was assigned a DSHS caseworker whose responsibility was to create a care plan outlining Plff's specific needs and how Def. would meet those needs. Of specific concern to the DSHS caseworker was Plff's propensity for skin breakdown due to his non-ambulatory status. The care plan developed by Def. DSHS was clear that Def. Parmenter was to continually turn Plff and monitor his skin condition to prevent the development of decubitus ulcers (bedsores). Def. Parmenter owned several adult homes in the Port Angeles, Washington area. Def. DSHS had not yet licensed one of the adult homes owned by Def. Parmenter. Shortly after receiving Def. DSHS' care plan which was developed for Plff, Def. Parmenter moved Plff into his unlicensed adult home. Once Plff was in this home, he began receiving care from Def. Lindley. Plff contended that almost immediately, Defs. Parmenter and Lindley began to neglect Plff. Plff was not appropriately fed, or cleaned. In addition Plff contended Defs. Parmenter and Lindley also failed to

appropriately monitor Plff's skin condition. Due to this neglect, Plff began to develop severe decubitus ulcers on various locations on his body. During the time Defs. Parmenter and Lindley were actively neglecting Plff, Def. DSHS received an adult protective services complaint regarding another resident in the same unlicensed adult family home where Plff was receiving care. Def. DSHS dispatched one of its investigators, Mr. Jerry Frye, to investigate this complaint. During his visit, Mr. Frye failed to examine Plff. In fact, Mr. Frye testified that he did not come within six (6) feet of Plff during his investigation. Mr. Frye also testified that, at the conclusion of his visit to the home, he smoked cigarettes with Def. Lindley on the porch and "BS'd about old times." The neglect of Plff went undetected. Mr. Frye discussed his investigation findings with Plff's DSHS caseworker, Martine Soiseth. After speaking with Mr. Frye, Ms. Soiseth became concerned for Plff's health and safety. Ms. Soiseth decided to request an immediate nursing check on Plff. Unfortunately, Ms. Soiseth sent her request to the wrong agency, where it lay fallow for more than a week. Ms. Soiseth never followed up to ensure her request had been received. Ms. Soiseth never took steps to personally check on Plff's welfare herself. By the time Ms. Soiseth's request was received by a nursing agency, the neglect of Plff reached critical levels. Plff had developed class 4 bedsores extending down to his bone in several places on his body. Plff was dehydrated, malnourished, and had developed a raging blood infection (sepsis). Plff was rushed to the hospital, where he died 4 days later.

PLAINTIFF MEDICAL EXPERT(S): Sebine Von Preyss MD (Geriatric Medicine) Seattle.

PLAINTIFF EXPERT(S): Jon R. Conte Ph.D. (Social Work Standards) Seattle.

DEFENDANT MEDICAL EXPERT(S): David Munoz MD (Internal Medicine) Tacoma; Alice Mirk MD (Social Work Standards) Madison WI; Peter Marsh MD (Internal Medicine) Tacoma.