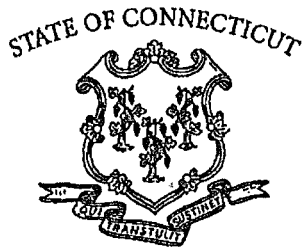


SUPPLEMENTAL  
DOCUMENTATION  
PARSCH  
TESTIMONY

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STATEMENTS OF  
SUPPORT



**SENATOR BOB DUFF**  
Norwalk & Darien  
*Assistant President Pro Tempore*

*Chair*  
Energy & Technology  
*Vice Chair*  
Childrens  
*Member*  
Regulations Review • Appropriations  
*Appropriations Subcommittee Chair*  
Results-Based Accountability  
Conservation & Development  
General Government A

January 15, 2014

Senator Eric Coleman  
Representative Gerry Fox  
Co-Chairmen  
Joint Committee on Judiciary  
LOB, Room 2500

Dear Senator Coleman and Representative Fox,

Per Joint Rule 9(i), I would like to respectfully request your consideration of a reintroduction of a section of 2013 Senate Bill 1162, Sec. 33.

As you may be aware, this component of SB-1162 was by the request of a constituent of mine, Marjorie Partch of Norwalk. I have enclosed the relevant section of this bill for your review.

Thank you for your consideration of this request. Should you have any questions, please do not hesitate to contact me or my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Duff", written over a horizontal line.

Bob Duff  
Connecticut Senate

Enclosure  
CC: Marjorie Partch

GEORGE C. JEPSEN  
ATTORNEY GENERAL



55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120

Office of The Attorney General  
**State of Connecticut**

Tel: (860) 808-5355  
Fax: (860) 808-5391

September 1, 2011

Andrew Krochko, Administrator  
Wilton Meadows Rehabilitation and Healthcare Center  
439 Danbury Road, (Route 7)  
Wilton, CT 06897

**RE: Marjorie Partch**

Dear Mr. Krochko:

I represent Nancy Schaffer, the Connecticut Long Term Care Ombudsman. Ms. Schaffer has asked me to contact you regarding your August 19, 2011 letter to Marjorie Partch, a copy of which was sent to Dan Lerman, the Regional Ombudsman. Ms. Schaffer and Mr. Lerman are concerned about a serious inaccuracy in your August 19<sup>th</sup> letter that requires amendment. You state that "Unfortunately, we had to institute a supervised visiting policy with you, in concert with the local ombudsman, because of your behavior in wanting to enforce your own view of treatment." In fact, however, the supervised visiting policy at issue was established by the resident's conservator and Wilton Meadows; no member of the Long Term Care Ombudsman Program took any part in that decision.

Ms. Schaffer is concerned that there be no misunderstanding about the role her Office has played in the Partch case. With that in mind, would you please respond in writing and clarify the facts? Thank you.

Very truly yours,

  
Charles C. Hume  
Assistant Attorney General

CCH/sm

cc: Nancy Schaffer, Connecticut State Ombudsman  
Dan Lerman, Regional Ombudsman  
Marjorie Partch, 20 Devil's Garden Road, Norwalk, CT 06854  
Marjorie Partch, 516 East 11<sup>th</sup> Street, Apt. 5-B, New York, NY 10009



David Vita Director of Social Justice at the Unitarian Church and Marjorie Partch in the Sanctuary.

Hour Photo/Alex von kelydorff

## Daughter seeks to regain control of mother's care while in nursing home

By TOM EVANS  
HOUR STAFF WRITER

WILTON — Marjorie Partch wants to regain the care and estate of her mother, Dorothy Partch, while she recuperates from a stroke at Wilton Meadows.

With a complaint now before the Superior Court in Stamford, Marjorie Partch is trying to make sense of how her life has spun so far out of control in a few short years.

"I'm trying to gain my mother's money, which is three or four times what she owes Wilton Meadows," Marjorie Partch said. "I wanted her to be taken care of while I got the house (at 20 Devil's Garden Road in Norwalk) in order for a wheelchair and organized. Then everything turned upside down. I took time off from work and that's when (Wilton Meadows) took their actions. I was thrown out of the house with nothing. They'll say I'm a lunatic, and at this point I'd say who isn't?"

The attorney for the rehabilitation and health care-center at 439 Danbury Road says the facility has done nothing wrong, and the court system is overseeing the elder Partch's ongoing treatment.

Dorothy Partch, 81, taught at Brien McMahon High School for 20 years, settling in the 11th grade with subjects such as "good science fiction" and "American transcendentalists," according to her daughter.

On March 14, 2010, Dorothy Partch suffered a second stroke, following one in 2003, and the second stroke prompted Marjorie Partch to admit her mother to Wilton Meadows for rehabilitation on April 7, 2010.

"Prior to this second stroke, and following an earlier one in 2003, I was her primary live-in caregiver at home," Marjorie Partch said. "Up to the middle of June (2010), I spent as much as 12 hours per day with her at Wilton Meadows. I have had Durable Power of Attorney (DPA) and Medical Proxy for my mother for many years."

All that changed in July 2010, according to Marjorie Partch. "On July 27, 2010, Wilton Meadows brought an inaccurate application for an Involuntary Conservatorship for my mother to probate court, and a conservator was wrongly appointed, over my objections as her health care representative and pre-designated conservator," Marjorie Partch said. "I am pursuing this illegality in superior court, and the facility is very unhappy that the matter has been brought beyond probate court, with whom they appear to have a very 'cozy' relationship. The superior court judge is reopening the case for re-argument in

order to investigate fraud, a possibility (the judge) is clearly considering."

Angelo Maragos, attorney for Wilton Meadows, has a different interpretation.

"I think of the bases of (Marjorie Partch's) complaint is fraud, and Wilton Meadows is alleging Marjorie Partch is committing fraud to get at her mother's estate," Maragos said. "I think Wilton Meadows did everything correctly. At the original hearing before the Norwalk Probate Court, Marjorie Partch did not raise any issues about fraud, and she made no objection to the conservator. Wilton Meadows has been taking care of Mrs. Partch since before that date. Every step we've taken since then has been under the supervision of the court."

According to the complaint filed with the Stamford Superior Court on May 17, 2011, Wilton Meadows, "believing ... Dorothy Partch's Medicare benefits would be ending, recommended (Marjorie Partch) take (Dorothy Partch) home and recommended Nursing and Homecare in Wilton."

Later, according to the complaint, Wilton Meadows, upon learning that Dorothy Partch had assets, including a home, changed its position that she should be discharged, and prepared an Application for Appointment of a Conservator with Matthew Caputo as conservator.

"Said application erroneously represented that 'Dorothy Partch has not appointed a healthcare representative,' the complaint states. 'The application erroneously represented that it was unknown whether (Dorothy Partch) had executed a Power of Attorney for healthcare decisions. The application erroneously represented that it was unknown whether (Dorothy Partch) had executed a Durable Power of Attorney.'"

Maragos said Marjorie Partch did not contest any of the aforementioned decisions made by Wilton Meadows.

"Once the court appoints a conservator, that overrides the power of attorney," Maragos said. "(Marjorie Partch) never produced a power of attorney. Her complaint never claims she lost power of attorney, or raised the question of power of attorney."

In the complaint, it states that "the aforesaid representations by Wilton Meadows in the Application for Appointment of Conservator were erroneous and were misrepresentations to the court that Wilton Meadows knew were erroneous since Marjorie Partch had used said documents when admitting her mother to Wilton Meadows."

The complaint further states that Wilton Meadows knew how to contact Marjorie Partch "but refused to ever do so, prior to its application," and "Marjorie Partch did not receive notification of the Application for Appointment of Conservator Hearing until July 26, 2010."

"The actions of Wilton Meadows in seeking a conservator were contrary to its earlier position that Dorothy Partch should be discharged and are an attempt to financially benefit by retaining Dorothy Partch as a patient clearly against her will, and to avoid (Marjorie Partch) from taking legal action against them," the complaint states. "The actions of Wilton Meadows in seeking a conservator and choosing Matthew Caputo constitute a conflict of interest."

Again, Maragos disagrees.

"We are not keeping Dorothy Partch at Wilton Meadows for the purposes of reducing her assets," Maragos said. "The Conservator is an attorney, and all of Dorothy Partch's care is done under the supervision of the courts. I don't think (Marjorie Partch) or her accusations are accurate that (Wilton Meadows) is trying to seize a financial advantage."

Marjorie Partch received a letter from Marcia Kosstrin, an occupational therapist from Stamford who worked with Dorothy Partch for 14 months, on July 30.

"At several visits, Marjorie raised concerns about her mother's care and politely requested that Wilton Meadows staff address these health issues," Kosstrin wrote. "Each concern that Marjorie expressed demonstrated a very specific understanding of the health care needs associated with her mother's physical condition. Marjorie demonstrates a detailed understanding of many of the rehabilitation needs of her mother's medical condition as a stroke patient. The quality and quantity of the care that Marjorie can provide Mrs. Partch far exceeds the limited care that Mrs. Partch presently receives in the custodial care setting at Wilton Meadows."

Marjorie Partch has been struggling to pay for an attorney to fight this case, and has gotten help from — among others — David Vita, the director of social justice at the Unitarian Church of Westport.

"I began reading these documents close to a year ago, and that did it for me," Vita said about supporting Marjorie Partch. "It's all there in black and white. In my opinion, it's clear Wilton Meadows violated Dorothy's rights in selecting the person she wanted to take care of her. She didn't have any choice in the matter. There are any

number of issues for us to handle. This is an issue of justice, and justice delayed is justice denied."

Vita said he has seen how the mother acts with her daughter, who now has virtually no visitation rights after losing power of attorney and conservator roles.

"I've been there with Dorothy and Marjorie many times, and I've seen Dorothy respond with Marjorie," Vita said. "She's better with Marjorie, and Wilton Meadows is denying that. I don't think Dorothy's best interests are being served in any way by their actions."

For now, Vita is trying to raise money for the Partch defense fund, with attorney's bills that have reached five figures. "I don't know what the monetary goal is, but the more this case drags on, the more expensive it gets," Vita said. "If it gets resolved really quickly, the cost goes away. But the more obstructions that come up means more costs. It's definitely been in the thousands of dollars, and we've gotten donations from within the church, outside the church, and from old friends. We're a funnel for funds. We will keep on keeping on."

Maragos feels that Marjorie Partch may be trying to hold on to her mother's estate for fear of losing it in payments to Wilton Meadows.

"(Marjorie Partch) says we're confining (Dorothy Partch), but no one has petitioned to bring her back home," Maragos said. "I think this may be Marjorie Partch clinging to Dorothy Partch's assets. I think that needs to come out."

The attorney for Wilton Meadows believes Marjorie Partch is trying to make Wilton Meadows look bad.

"Everybody is entitled to their own feelings and anger, but this is not happening in a vacuum," Maragos said. "(Matthew) Caputo has no allegiance to Wilton Meadows, and (Marjorie Partch) has made allegations against us. She's just using the media to air this dispute and to raise bad karma and put Wilton Meadows in a bad light. We take all charges of patient care seriously. (Marjorie Partch) didn't make a good case in probate court."

Marjorie Partch just wants the right to bring her mother home. "It's maddening," she said. "I just can't wait for her to come home to our house and be treated by her therapists and neurologist. She had a combination of therapies whenever she is treated at her home in Norwalk — her homestead of 40 years. It's her right to refuse treatment, and that's why she appointed me. Now for (Wilton Meadows) to question my love and devotion for her is outrageous."

WESTPORT — The Westport Weston Health District has received a supply of nasal flu vaccine, also known as FluMist.

This vaccine is a live, attenuated influenza vaccine (LAIV) and recommended for healthy individuals between the ages of 2-49 years. LAIV does not contain thimerosal or other preservatives.

Influenza (flu) is caused by a virus which can be spread by coughing, sneezing, or nasal secretions. Everyone is susceptible to getting the flu, but rates are highest among children. Young children, people over 65 years of age, pregnant women, and those with a weakened immune system can become much sicker and experience complications due to a case of influenza. Each year, the flu causes over 200,000 hospitalizations and more than 36,000 deaths. According to the Centers for Disease Control and Prevention (CDC), "The best way to prevent the flu is by getting a flu vaccine each year." Yearly flu vaccination should begin as soon as vaccine becomes available and continue throughout the flu season, which can last until April or May.

The cost of the live attenuated influenza vaccine is \$35, payable by cash, MC, Visa or Anthem Blue Cross Blue Shield Insurance. For more information or to make an appointment, please call Loren Pace, RN at (203) 227-9571 X231.

### Farmer's Market set at Norwalk church

NORWALK — A farmers market will be held every Sunday from noon to 4 p.m. at the First Congregational Church on the Green in Norwalk, located at Park and Lewis streets.

### Voter registration for Sept. 13 primary

NORWALK — The Republican Party will have a Primary on Sept. 13, for the office of 3rd Taxing District Commissioner. Polling site, Marvin School, will be open from 6 a.m. to 8 p.m. The Registrar of Voters will hold a voter registration session from noon to 5 p.m. in Room 122 in Norwalk City Hall, 125 East Ave. on Aug. 30.

At this session, the registrars will hear requests by persons for adding their names to the registry list and for party enrollment changes from unaffiliated to Republican. Voters must be 18 years of age, must be citizens of the United States and must be a bona fide resident in the city of Norwalk to be admitted.

### Swing to support Special Olympics

DARIEN — The fifth Annual Bender Financial Group Golf & Tennis Tournament to Support Special Olympics will be held on Monday, Sept. 19, at the Country Club of Darien, 300 Mansfield Ave., Darien. To register, call (203) 380-9990, ext. 604 or e-mail debbieh@soct.org.



*The Unitarian Church in Westport*

February, 10, 2011

To Whom It May Concern:

My name is David Vita. I am on staff at the Unitarian Church in Westport as the Director of Social Justice. It is in that capacity that I met Marjorie Partch five years ago.

Marjorie has represented our congregation on the Westport/Weston Interfaith Council for more than two years, and served on various internal committees, such as the UN Committee, the Global Justice Committee, and the Health Care Reform Task Force. She is the Founding Chair of the Interfaith Sacred Activism Program, and our resident Labyrinth Facilitator. She is also a member of our Social Justice Council.

I've worked with Marjorie professionally on public events that she has organized at the church and have been with her in social settings.

I've observed her with her mother both before and during her nursing home stay. I know Marjorie to be a dedicated, compassionate, loving daughter who wants nothing more than to take care of her mother. She is deeply pained by not being allowed to do so, as is, I believe, her mother.

David Vita  
Director of Social Justice  
Unitarian Church in Westport  
10 Lyons Plains Road  
Westport, Connecticut 06880

[david@uuwestport.org](mailto:david@uuwestport.org)  
203-227-7205 x 14

## One Year Later and Help is Urgently Needed

Most of us are probably familiar with the saying: "It takes a village to raise a child". Over the past twelve months I've come to realize that it takes a community to save a mother.

Maybe you know Marjorie and Dorothy Partch and maybe you don't. It doesn't really matter. They're members of our congregation. Marjorie moved here 8 years ago to take care of her mother, Dorothy, and they both joined the church.

More than a year ago Marjorie brought her mother to Wilton Meadows Nursing Home in Wilton, Conn., for stroke rehabilitation. Marjorie did this using her legal authority as Dorothy's Durable Power of Attorney, Health Care Representative, Attorney-in-Fact, and her pre-Designated "Conservator" should one be required.

Dorothy's wishes as expressed in a legal, notarized document were that Marjorie take care of her in all matters medical, legal, financial.

Just as Dorothy's 90 day Medicare coverage was about to end the nursing home sought the appointment of a Conservator to handle all of Dorothy's affairs as if Marjorie did not exist.

In its application to the Probate Court Wilton Meadows failed to disclose that Dorothy had appointed Marjorie Durable Power of Attorney, Health Care Representative, Attorney-in-Fact, and her pre-Designated "Conservator" even though Marjorie constantly visited Dorothy at the nursing home, admitted her, signed numerous documents, and referred to herself as having Dorothy's Power of Attorney.

If there was any objection on the part of Wilton Meadows that Marjorie was incapable, unwilling, or unable to fulfill these obligations then the nursing home should have challenged Marjorie in court. It did not.

Wilton meadows either intentionally or erroneously failed to provide the Probate Court with this crucial information in determining whether or not a Conservator needed to be appointed for Dorothy.

As a result, Marjorie was not part of the proceedings in the appointment of the Conservator.

Following the appointment of the Conservator Marjorie was denied any visitation to her mother. Marjorie and Dorothy's funds were in joint checking accounts which were frozen depriving Marjorie of any money (and ability to hire a lawyer), and Marjorie was evicted from the family home where she had lived and cared for her mother.

For the past year Marjorie has been fighting an uphill battle for Dorothy's right to be taken care of by the person of her choosing - that person being Marjorie.

She has enlisted the State's Long-Term Care Ombudsman who intervened and forced the nursing home to grant Marjorie a one hour a week supervised visit with her mother. That has now been increased to 2 one hour visits. This woefully inadequate amount of time is neither in Dorothy or Marjorie's best interests. I have personally and painfully witnessed the positive effect that Marjorie's presence has on Dorothy.

Marjorie has taken complaints to the State Dept. of Public Health which has issued citations and fined Wilton Meadows for dislocating Dorothy's shoulder. And it is now conducting a new, second investigation, specifically about the question of Dorothy's medication and her Right to be treated by her own neurologist which has been denied.

And, she has hired a lawyer. The only place to correct these injustices is through the legal system. And that costs money.

For Marjorie every day presents the same questions: how do I buy food, save enough money for train fare to visit my mother, find a job, a place to live, and pay the lawyer?

Meanwhile, the Norwalk Probate Court has refused to re-examine the case which is now in Superior Court; Wilton Meadows Nursing Home is resisting Superior Court subpoenas for Dorothy's admission and medical records; and for an Accounting of the \$250,000+ already seized; and the Conservator (a real estate attorney) is attempting to sell the house that Marjorie would bring Dorothy home to, making that a moot point.

Yes, sometimes it takes a community to save a mother. To make sure that her rights are honored and respected. To fight for justice. We are that community.

I am confident that if we can continue, the Superior Court will do the right thing and reverse this injustice. Dorothy needs our help. Marjorie needs our help. Urgently.

The #1 need is for money to pay the lawyer. Money can be sent to Frank's Ministerial Discretionary Fund subject line: Marjorie.

• If there is any work that Marjorie could do or house sitting, that would also be extremely helpful. Not just about finances but also just getting her out of New York City and closer to her community and mother.

• Rides to and from the train station to visit her mother at the nursing home and to church on Sundays are always needed.

• Any other suggestions or questions? Please speak with David Vita.

Marjorie can be reached at 212.420.9187 or by e-mail at [mapartch@yahoo.com](mailto:mapartch@yahoo.com)

FROM CHURCH NEWSLETTER

**Dr. Randy L. Schulman**  
**Dr. Juanita D. Collier**  
*Behavioral Optometrists*

139 Main Street  
Norwalk, CT 06851  
Phone: (203) 840-1991  
Fax: (203) 840-1980  
[www.vtotworks.com](http://www.vtotworks.com)



December 20, 2010

To whom it may concern:

I write this letter as a character reference on behalf of Marjorie Partch. I have known Marjorie for over 5 years both professionally and as a friend.

Marjorie's dedication to both her spirituality and her family is to be commended. She goes above and beyond in her approach to her work as well as her commitment to her mother in particular. She helped her mother through her illnesses and supported her in her vision therapy program at my office and in her home therapy program. Marjorie made sure her mother came to therapy sessions and did her home activities and was instrumental in Dorothy's forward progress.

I trust that Marjorie has her mother's best interests at heart.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randy L. Schulman".

Randy L. Schulman, MS, OD, FCOVD

*Internal Medicine Associates of Darien, P.C.*

*36 Old Kings Highway South  
Darien, CT 06880  
203 688-8777  
fax: 203 686-0101*

September 17, 2013

Mrs. Margery Partch  
C/o David Vita, Director of Social Justice  
The Unitarian Church in Westport  
10 Lyons Plains Road  
Westport, CT 06880

To whom it may concern:

Mrs. Dorothy Partch has been a patient of mine since 1979. Mrs. Partch suffered a severe stroke several years ago and has been in a nursing home for some time. She is currently at Aurora Senior Living of Norwalk in Norwalk, CT.

The patient also has a seizure disorder and is on medication for this and followed by Dr. Darryl Story for her neurologic problems.

I saw Mrs. Partch in my office September 9, 2013 at which time she was brought in by a stretcher from the nursing home. The patient would open her eyes when I spoke to her but was not verbal. Her examination did not reveal any new acute problems. Her daughter would like to take the patient home on the "Money Follows the Patient" state program. I see no reason not to do this as the nursing home is not providing anything that could not be done in the home. The patient has long made it known to me that she would like to remain at home and her daughter is also very much in favor of this.

If there are any specific questions or I can be of help, please contact me.

Yours,



Philip E. Negus, M.D.

*Philip E. Negus, M.D. • Charles Miner III, M.D. • Amanda Collins-Bainé, M.D.  
Susan M. Collins, M.D. • Donald Stangler, M.D.*





## INTERNAL MEDICINE OF DARIEN

STAMFORD HEALTH INTEGRATED PRACTICES

Amanda Collins-Baine, M.D.  
Susan M. Collins, M.D.  
Maria A. Di Giovanni, M.D.  
James R. Dorr, M.D.  
Charles Miner III, M.D.  
Philip E. Negus, M.D.

July 2, 2014

Mr. David A. Stewart  
2 Sherman Court  
Fairfield, CT 06824

To Whom It May Concern:

Mrs. Dorothy Partch - DOB: 11/29/1029, was seen in my office June 5, 2014. I am not the patient's treating physician at this time and I saw the patient as a favor to her daughter who wanted to know if I thought that her mother could be cared for at home under the "money follows the patient" program that is available in Connecticut.

After examining the patient, I spoke with her daughter and explained that her mother needs total care and this would be difficult at home, but could be arranged. The daughter is very eager to get her mother home because she feels that she would like to be there and receive better care there than she does at the skilled nursing facility.

I feel that the patient could be safely cared for at a skilled nursing facility or at home <sup>with</sup> more than 24/7 care.

Yours,

Philip E. Negus, M.D.

**Affidavit of Marcia Kosstrin**

My name is Marcia Kosstrin. I am a registered and licensed Occupational Therapist in the State of Connecticut and am 64 years old. I currently reside at 43 Aquila Rd, Stamford, CT., 06902, where I have lived since 1986.

On Monday May 20, 2013 at approximately 4:00 PM, I met Marjorie Partch in the lobby of Aurora Senior Living of Norwalk. I arrived and waited for her. We both signed in at reception and the Director of Nursing escorted us to the room of Mrs. Dorothy Partch, Marjorie's mother. I remained with Marjorie throughout the visit at Aurora and we left the premises together. During the visit in her mother's room one or several Aurora employees were present the entire time; among them were the Director of Nursing, the Administrator, Occupational Therapist, Physical Therapist, and CNA. No person, including Marjorie, brought food into the room. No food was offered to Mrs. Partch.

I have known Marjorie Partch for approximately six years, and have always known her to be a caring and responsible person and daughter to Mrs. Partch. Marjorie knows that her mother has not had food by mouth since she was rushed from Wilton Meadows Health Care Center to Norwalk Hospital on April 22, 2013 in septic shock. She is fully aware that any attempt to administer food to Mrs. Partch by mouth would endanger her. I do not believe that Marjorie has or would offer food or attempt to feed her by mouth since the time of Mrs. Partch's emergency hospitalization. I can attest to the fact that Marjorie did not attempt to feed her mother any food whatsoever on May, 20, 2013.

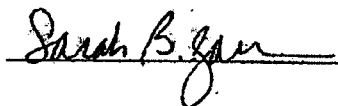
I declare that, to the best of my knowledge and belief, the information herein is true, correct and complete.



Marcia Kosstrin

STATE OF CONNECTICUT, COUNTY OF FAIRFIELD, ss: *Danien*

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of July, 2013 by Marcia Kosstrin, who, being first duly sworn on oath according to the law, deposes and says that she has read the foregoing Affidavit subscribed by her, and that the matters stated herein are true to the best of her information, knowledge and belief.

 signature

Notary Public title

\_\_\_\_\_ serial #

**SARAH B. IJAMS**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES MAY 31, 2017

MEDICAL RECORDS  $\frac{1}{2}$   
REPORTS OF  
INSTITUTIONAL HARM  
TO DOROTHY S. PATCH

**CERTIFIED MAIL**

**CITATION**

In Re Citation No. 2011-46

**Classification of Violation  
Pursuant to Connecticut  
General Statutes Section 19a-527**

**Date:** May 11, 2011

**Class:** B  
**Bed Capacity:** 148 CCNH  
**License Number:** 2032-C

**Licensee:** Wilton Meadows Health Care Center  
**Facility Name:** Wilton Meadows Health Care Center  
**Facility Address:** 439 Danbury Road Rt 7  
Wilton, CT 06897

The following citation is issued pursuant to Sections 19a-524 through 19a-528, inclusive of the Connecticut General Statutes:

**A. Nature and Scope of Violation(s):**

1. An inspection of this facility concluded on April 28, 2011 revealed the following:
  - a. R #3's diagnoses included cardiovascular accident, seizure disorder and hypertension. Review of the Minimum Data Set dated 12/31/10 identified an inability to complete the Brief Interview for Mental Status, short and long term memory deficits with inattention and altered level of consciousness. Review of the resident care plan dated 1/7/11 identified total care in activities of Daily Living with extensive assistance for transfers, ambulation, bathing, personal care and toileting. Review of the nurse's notes dated 1/11/11 identified that R #3 complained of shoulder pain and upon assessment, dimpling was noted and the resident developed increased pain on range of motion. Review of the clinical record identified an x-ray dated 1/11/11 which identified a slight anterior inferior displacement of the humerus in relationship to the glenoid fossa. Subsequently, R #3 was hospitalized and underwent a reduction of the right shoulder. Interview with NA #3 on 4/27/11

2:30 PM at identified that he/she had positioned R #3 in the morning before breakfast and set him/her to feed self. When NA #3 returned, he/she observed that R#3 was unable to feed self and when attempting to wash R #3, he/she complained of pain and the Charge Nurse was immediately informed. The facility initiated an investigation of an injury of unknown origin which was inconclusive. Although the investigation was inconclusive, interview with the radiologist on 4/27/11 at 1:15 PM identified that generally an anterior dislocation to the shoulder would not occur unless there was a direct blow to the shoulder, a fall or forceful mugging. This type of injury would not occur spontaneously unless the resident had a previous history with dislocation of this shoulder and would cause immediate pain.

**B. Statutes and/or Regulations Violated:**

Regulation of Connecticut State Agencies (Public Health Code) violated is, Section 19-13-D81 (j)(2) and/or (m)(2)(A) and/or (C).

**C. Classification of Violation(s)**

Class B in accordance with Section 19a-527-1 (b)(6) and/or (b)(8) of the Regulations of Connecticut State Agencies (Public Health Code).

**D. Amount of Civil Penalty to be imposed in accordance with Connecticut General Statutes Sections 19a-527 and 19a-528: \$545.00**

**NOTIFICATION OF ELECTION TO CONTEST CITATION**

If the licensee wishes to contest this Citation, the administrator or his designee must within three days, excluding Saturdays, Sundays and holidays, of receipt of the Citation by the licensee, shall notify the Supervising Nurse Consultant who signed the citation by contacting Facility Licensing and Investigations Section (FLIS), Department of Public Health, 410 Capitol Avenue, MS#12 HSR, P.O. Box 340308, Hartford, Connecticut 06134-0308, telephone number (860) 509-7400 or any Supervising Nurse Consultant within FLIS (same address, same telephone number).

B-8

DATE(S) OF VISIT: September 28, 2011

THE FOLLOWING VIOLATION(S) OF THE REGULATIONS OF CONNECTICUT  
STATE AGENCIES AND/OR CONNECTICUT GENERAL STATUTES  
WERE IDENTIFIED

both the nursing staff and physician about his/her concern. Interview with MD#2 on 9/26/11 at 2:10 PM identified that he/she was aware of Person #2's concern and had educated Person #2 of the necessity of the medication. Interview with RN#2 on 9/27/11 at 11:30 AM identified that Person #2 objected to the administration of the Keppra and the situation was discussed with MD#2. Staff continued to administer the medication as ordered. However, when Person #2 was present R#6 would refuse. Review of the Resident Care Plan failed to address the issue with medication compliance and/or measures to the responsible person's concern and/or the resident's refusal.

The following are violations of the Regulations of Connecticut State Agencies Section 19-13-D8:  
(m) Nursing Staff (2)(A).

3. Based on clinical record reviews, observation and interview for one resident of three residents (R#9) reviewed for skin issues. The findings include:
  - a. R#6's diagnoses included cardiovascular accident, dysphagia and seizure disorder. The Minimum Data Set (MDS) dated 4/14/10 identified short term memory loss, intact long term memory and moderately impaired cognition. Review of the Resident Care Plan (RCP) dated 6/20/11 identified potential for alteration in skin integrity/breakdown with related interventions for weekly skin checks. Review of weekly body audits dated 6/7/11 through 8/9/11 failed to identify a skin issue behind the right ear. Review of Social Work documentation dated 6/28/11 identified that Person #1 reported to the Social Worker that there was a scab behind R#6's ear. Review of nurse's notes dated 8/11/11 identified that R#6 had numerous pin-point scabbed areas behind the right ear with some redness. Interview with Person #2 on 9/26/11 at 11:00 AM identified that he/she had noted an open sore behind the ear of R#6 and reported it to the SW#1 at the end of June. Interview with SW#1 on 10/6/11 at 11:45AM identified that the area had been reported to him/her on 6/28/11 and he/she can't recall who he/she reported it to. Review of the nurse's notes and physician orders from 6/26/11 through 8/11/11 failed to identify that the area was assessed by nursing until 8/11/11, physician notified and a treatment ordered.

The following are violations of the Regulations of Connecticut State Agencies Section 19-13-D8:  
(m) Nursing Staff (2)(C).

4. Based on clinical record reviews, observations and interviews for one of seven residents who required staff assistance for transfers (R#9) and/or one of three residents observed for positioning in bed, the facility failed to ensure that residents were transferred in accordance with the plan of care to prevent injury. The findings include:
  - a. R#9 was admitted to the facility on 1/31/2011 for short term rehabilitation and skilled nursing after a hospitalization for muscle weakness. The Minimum Data Set (MDS) dated 2/20/2011 indicated that R#9 required the assistance of two or more staff for transfers and to walk in his/her room. Physician orders dated March 2011 directed the resident's activity to be

C-3

Frank J. Pinto, M.D.

Connecticut Dermatology Group, P.C.

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(203) 610-4151

September 30, 2011

Atty Matthew Caputo

6 Larkspur Lane

Norwalk, CT 06850

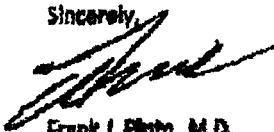
Re: Dorothy Patch

Dear Mr. Caputo:

As per our discussion this morning, Mrs. Patch has a biopsy-confirmed skin cancer called basal cell carcinoma on the back of her right ear. She is scheduled to have this removed on 10/20/11. The procedure is called Mohs micrographic surgery. It is an outpatient procedure done in the office using local anesthetic. Potential risks include adverse reaction to the anesthetic, bleeding, infection and residual scarring and/or deformity of the ear. Generally, however, this is a very safe procedure and serious complications are rare. Mohs surgery is generally accepted as the treatment of choice for this type of skin cancer in the head and neck region.

Please call if you need any further information.

Sincerely,



Frank J. Pinto, M.D.

EXHIBIT 1

## Patient Care Transfer Summary

PARTCH, DOROTHY - 149624

She does not have signs of bleeding, no platelet transfusion required. Dr. Ruskin has been following the case and agrees with current management. Please continue monitoring platelet count.

## 7. AKI

Likely secondary to prerenal and volume depletion, after IV fluid patient BUN and creatinine gradually come down to normal level.

8. C-diff diarrhea: On April 25, patient had 9 loose bowel movement, WBC was trending up, patient received 5 days of cefepime, c-diff was sent.

## 9. Decreased TSH

Euthyroid sick syndrome vs Levothyroxin overdose, we empirically decreased levothyroxine dose to 75 mcg daily (home dose 100mcg). Patient will need recheck TSH and T3, T4 in one month after acute illness resolved and adjust levothyroxine dosage.

10. Social issues: patient's daughter have a lawsuit against nursing home, not clear if daughter still have POA or pt is conserved by state, please f/u with case manager closely, obtain league document if needed. If daughter need medical documents, please have her obtain through medical record.

## Things to Follow:

1. F/u with chemistry for hypernatremia and K+ level. CBC for thrombocytopenia and Hb.
2. Continue ceftriaxone for another 2 days for a total of 7 days antibiotics for E Coli UTI. and vancomycine for 9 days for a total of 14 day treatment of MRSA PNA.
3. PICC line inserted today and femoral line removed.
4. Please f/u on the c-diff result and improvement of diarrhea
5. Pt is still on Dobhoff tube feed, please consider swallow evaluation and place pt back on PO diet once stable.
6. As for disposition, daughter dose not want to go to wilton meadow, however, not sure if she still have POA, please f/u with CM.

Wen Yang, PGY1

#831-2464, Please page me with any questions. Thanks.

Signature Line

(Electronically Signed on 04/26/13)

YANG, WEN House Officer, MD

## Completed Action List:

- \* Performed by YANG, WEN House Officer, MD on 26 April 2013 16:22
- \* Modified by YANG, WEN House Officer, MD on 26 April 2013 20:39

Printed by: Anastasia, Nancy  
Printed on: 04/29/2013 8:27

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(Continued)



## Discharge Summary

PARTCH, DOROTHY - 149624

Result type: Discharge Summary  
Result date: 07 May 2013 10:28  
Result status: Unauth  
Encounter info: 1002666537, NORWALKHOSP, Inpatient, 04/22/2013 -

Date of Admission: April 22, 2013  
Date of Discharge: May 17, 2013  
Hospital Attending: Dr. Diego Valencia,  
Dr. Wetherhill,  
Dr. Harisis  
Consulting Physicians: Dr. Ruskin, hematology/oncology

Reason for Admission: Unresponsiveness, difficulty breathing  
History of Present Illness: Patient is an 83-year-old Caucasian female, aphasic at baseline as per nursing staff at the ECF, with history of cerebrovascular accident in 2003 and in 2010 with left sided hemiparesis and aphasia, found unresponsive with difficulty breathing this morning by the house staff of Wilton Meadows extended care facility with fever of 101.6 and O2 sats in the 80s. She also had low blood pressure with 80s systolic and tachycardia of 116.

Physical Examination:

Vital signs on admission: temperature 99.9, heart rate 86, respiratory rate 26, blood pressure 105/45, saturation 92% on room air.

Gen.: Elderly Caucasian female in no acute distress, not responsive to voice, not following commands, responsive to painful stimuli.

HEENT: Pupils reaction difficult to assess as the patient doesn't open her eyes to command and keep them closed. Dry mucous membranes, absent 2 frontal teeth.

Neck: No lymphadenopathy, JVD

Heart: Regular rate and rhythm, S1-S2, no rubs gallops or murmurs

Lungs: poor inspiratory effort, no crackles, sporadic rhonchi.

Abdomen: Soft nontender nondistended, bowel sounds appreciated, no guarding or rebound.

Extremities: Chronic venous status changes bilaterally, no edema, weak pulses palpable bilaterally on dorsalis pedis.

Skin: Dry and pale with chronic changes, various status changes on both lower extremities.

Neuro: Difficult to perform as the patient doesn't follow commands and is not responsive to voice. Absent reflex in the left upper and left lower extremities, right arm contracted reflexes difficult to elicit, normal 2+ reflex in the right knee.

Data: UA, Leuko: yte Ester: Trace, Protein-Urinaly: 1+, 04/22/13 08:07 WBC Count: 5.1 K/UL, Hemoglobin: 9.8 g/dL, Platelet Count: 63 K/UL, INR: 1.9 (Low), Sodium: 177 mmol/L, Potassium: 2.2 mmol/L, Chloride: >140 mmol/L, Calcium: 5.7 mg/dL CO2: 19 mmol/L, BUN: 63 mg/dL, CREATININE: 0.8 mg/dL, TSH: 0.29 uIU/mL

Hospital Course:

1. Hypernatremia/ altered mental status- secondary to severe dehydration  
Was treated initially with isotonic fluids and then changed to hypotonic fluids to decreased the hypernatremia progressively over the course of days. Patient had multiple strokes, at baseline aphasia and left sided hemiparesis. After IV fluid and correction of hypernatremia, patient is now back to baseline mental status. She was on Keppra 250mg BID for seizure precaution before admission, Keppra level was measured to be 12.7 at lower end of therapeutic level, keppra was temporary increased to 500 mg b.i.d. and now changed back to 250 b.i.d. after discussed with neurology Dr. Story verbally.

2. E. Coli Pyelonephritis

Printed by: Thompson, Jean  
Printed on: 05/17/2013 14:36

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(Continued)