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Family probes man's death at nursing home

By Kimberley Thomsen
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WATERBURY — The Prospect nursing home, where a 93-year-old man died last month after nursing-strike replacement workers fed him the wrong food, has been summoned to court.

Officials with Country Manor Health Care Center and its parent company, Lexington Health Care Group Inc., of Hartford, must appear in court July 9, when the lawyer representing Amel Trezza's family will ask a judge to allow him to probe Trezza's death further.

Court officials also have issued summons to Denver-based U.S. Nursing Corp., which recruited the replacement workers, and Mah Fernandez, the aide who allegedly fed Trezza the wrong food.

"There's no question I have a legal basis already on which to bring a legal claim," said attorney Michael D'Amico, who is representing Trezza's family. "I wanted to make sure I have all

the necessary information before bringing a legal claim because I want to make sure all the appropriate parties are before the court."

Edwin A. Lassman, the lawyer who represents Lexington Health Care Group Inc., officials with Country Manor and officials with U.S. Nursing Corp. could not be reached for comment Friday.

Earlier this month, the state Department of Public Health cited Lexington Health Care Group Inc. and fined it \$6,000 for two Class B health-code violations officials suspect led to Trezza's May 23 death.

"They did not contest it. They paid the fine, and we actually received the check (Friday)," said Michael Purcaro, state public health communications manager and spokesman.

According to the June 6 citation, state investigators found last month that on May 13, Fernandez — one of hundreds of replacement nurses and aides working in the 39 Connecticut nursing homes where New England Health Care Em-

ployees Union, District 1199, workers were striking — allegedly gave Trezza his roommate's food tray by mistake.

Trezza, under doctor's orders to eat only thickened liquids and pureed foods, choked on pieces of meat and potatoes when he should have received ground meat instead of the regular meat for his meal, the report states. Trezza was transported to Waterbury Hospital, where he died 10 days later.

Country Manor officials dismissed Fernandez, of New York, immediately after the incident, and state officials have notified New York, which licensed Fernandez, of the incident.

In addition to finding Fernandez had given Trezza the wrong food tray and fining Lexington Health Care the maximum \$3,000 penalty for that health-code violation, state health investigators found "a closely related but separate" violation and imposed another \$3,000 fine for that, Purcaro said.

"We felt the care plan should have been more appropriate to meet his needs," he said.

Trezza had not only balked at having to eat a "soft" diet but also refused to eat in the dining room or in small groups, the report states. Country Manor had failed to develop a proper plan of care to monitor Trezza while he was eating, and Trezza was eating unattended on May 13 when he choked on the food and fell unconscious, the report states.

"It should have never happened, and had there been appropriate safeguards in place it would have never happened," D'Amico said.

D'Amico on Tuesday filed a "bill of discovery" asking a judge to allow him to investigate the case further by questioning witnesses and reviewing Trezza's medical records. Usually, lawyers don't gain access to this information until after they have filed a lawsuit. A judge will hear arguments from D'Amico and the defendants before deciding whether to grant request.