

# PENINSULA

## AND THE BAY AREA

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# Owner of Convalescent Homes Facing Charges

## Abuse alleged at Santa Clara County sites

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The owner of four Santa Clara County convalescent homes has been indicted on six felony counts of elder abuse and neglect.

Guardian Postacute Services Inc.,

which operates at least 16 such facilities in Northern California, has been charged with neglecting patients at three convalescent homes in San Jose and one in Los Gatos.

The charges, handed down Tuesday, are based on alleged incidents involving six patients over a two-year period.

The indictment stems from a three-month investigation by the Santa Clara County district attorney's office, the San Jose Police Department and the state attorney general's office.

"We're talking about patients lying on their own feces for hours on end," Santa Clara County Deputy District Attorney Randy Hey said yesterday. "Some patients who have ulcers that extend down to the bone from bedsores. We're talking about Guardian simply not changing the bandages on open wounds.

"We're not talking about rocket science," he said.

The first incident took place July 22, 1996, and the last victim was allegedly abused July 16, 1998, according to Hey.

The county Department of Health had already cited Guardian for more than 60 violations, Hey said.

In each case, he said, Guardian paid a fine and agreed to remedy the situation.

However, Hey said, the neglect continued.

"Basic nursing-home care was not being provided," he said.

But Bill Goodman, Guardian's attorney in San Francisco, said the allegations are false.

"Our response is quite simple,"

he said. "There were no crimes committed by Guardian or anyone affiliated with the company."

When asked about previous citations for neglect, Goodman said not one of them constituted criminal violations.

"The company, as well as every convalescent home in the United States, has been cited from time to time for violations of various rules and regulations, all of which have either been resolved, corrected or

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litigated," Goodman said.

Goodman said the company intends to defend itself "extremely vigorously" in court.

Hey said a conviction could result in a cutoff of all federal funds to Guardian, which would in effect put the company out of business.

Other Bay Area convalescent facilities owned by Guardian include the Guardian of Salinas, Guardian Med Hill in Oakland, Guardian at Smith Ranch in San Rafael, Guardian Rehab Hospital — San Ramon, Guardian of Rossmoor and Guardian Ygnacio in Walnut Creek and Guardian of Concord.

The company's headquarters is in Marin County.

An arraignment is scheduled for 1:30 p.m. June 7 in Santa Clara County Superior Court.