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Nurses face felony charges in death of Cameron Park man's wife

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An 81-year-old Cameron Park man who served during three wars won the fight of his life this week when California's attorney general charged two nurses with felony elder abuse in connection with the 2008 death of his beloved wife.

The arrest in Modesto of one nurse and the pursuit of the second, who reportedly has left the state, marks a bittersweet victory in the four-year quest of Don Esco to find justice for his late wife.

Johnnie Esco, 77, died on March 7, 2008, after a two-week stay at the El Dorado Care Center in Placerville, a skilled nursing facility owned at the time by Horizon West Healthcare Inc. of Rocklin. The company sold its 27 nursing homes last year to Plum Healthcare Group, a San Marcos-based chain.

Esco's wife of 60 years died at Marshall Medical Center, but it was her 13-day stay at the nearby nursing home that became the subject of both the state's criminal investigation and a civil lawsuit.

Esco made hundreds of phone calls and personal visits to local, state and federal authorities to get someone held accountable.

"It's a big relief off me," Esco said. "It's been a quest of mine. It's all I can think about."

The facility's former director of nursing, Donna Darlene Palmer, 58, was arrested and handcuffed late Tuesday afternoon outside a nursing home in Modesto, where she had been working, according to the Department of Justice. She was released from the El Dorado County jail in Placerville on \$75,000 bail.

A warrant also has been issued for the arrest of Rebecca LeAn Smith, 38, a licensed vocational nurse who was a "floor nurse" at El Dorado Care Center while Johnnie Esco was there.

Both have been charged with felony elder abuse under circumstances likely to cause great bodily harm and death. If convicted, they face up to four years in state prison.

"The death of Johnnie Esco is a tragedy that should not have happened," said Attorney General Kamala Harris in a prepared statement. "Elder abuse is a crime perpetrated by those who prey on the vulnerable."

"This case is particularly abhorrent because it involved the nurses who were supposed to be providing health care and comfort."

In pursuing criminal charges against the nurses, the attorney general's office concluded that Palmer and Smith had been in supervisory positions and had "clearly neglected" their patient,

causing her to suffer "unjustifiable pain."

The circumstances surrounding Johnnie Esco's death were first investigated in 2008 by the state's Bureau of Medi-Cal Fraud and Elder Abuse, which turned over its findings to the El Dorado County district attorney, said Lynda Gledhill, spokeswoman for the attorney general. No charges were filed.

El Dorado County District Attorney Vern Pierson said one of his deputies and a Department of Justice investigator agreed at the time not to pursue the matter criminally.

The state reopened its criminal investigation after The Bee in September chronicled Johnnie Esco's story in a series exploring the growing problem of falsified records in nursing homes. A lawsuit filed by the family in 2009 accused El Dorado Care Center of altering and improperly handling Johnnie's medical records as far back as her admission.

Until then, Johnnie Esco had been doted on by her husband, who met his future bride when they were both 14. As her health problems, which included Alzheimer's, worsened with age, medications left her with chronic constipation. The condition was supposed to be closely monitored and treated at the nursing home, where she had been sent by the hospital to recuperate from pneumonia, according to documents.

She was expected to return to the couple's Cameron Park home in about a month, the records show.

Instead, Johnnie Esco died at the hospital after suffering severe fecal impaction. Doctors also discovered bruising along her chin, jaw line and chest and around her right wrist. The skin of her pinkie finger also was torn.

In the attorney general's declaration supporting the arrest warrant, the special agent said nursing staff had "failed to properly document and investigate Esco's injuries."

The investigator faulted Smith for failing to document accurately Johnnie's bowel movements or follow up on her medical condition. Palmer, who was responsible for all aspects of nursing care, created a working environment of "intimidation and hostility that made staff reluctant to question (her) judgment," the Department of Justice agent found.

Neither Palmer nor Smith could be reached for comment Thursday. Both women's licenses are likely to be suspended pending the criminal case's outcome, said Russ Heimerich of the Department of Consumer Affairs, which oversees the boards that license registered nurses and licensed vocational nurses.

"It's about time. This is huge," said Carole Herman of the Sacramento-based Foundation Aiding the Elderly.

Herman filed a complaint in September 2008 with the California Department of Public Health, accusing El Dorado Care Center of elder abuse and other violations regarding the woman's care.

Michael Connors of California Advocates for Nursing Home Reform in San Francisco said the attorney general's arrest warrant for nurses on felony elder abuse charges is "very uncommon."

"Elder abuse is rarely prosecuted, so we are glad to see the criminal charges in this case," Connors said. "When people like Mrs. Esco die due to neglect in nursing homes, the nursing staff should be held accountable - but so should the corporations who are responsible for the abusive conditions."

Martin Harmon, founder of the Horizon West nursing home chain, could not be reached Thursday.

However, a statement issued to The Bee last year by the company said, in part:

"Horizon West HealthCare has constantly strived to improve upon operations at each of our facilities ... Delivering the highest quality of care and customer satisfaction has always been our

top priority."

Under its new owners, the facility has been renamed the Western Slope Health Center.

Horizon West had faced a separate criminal investigation by the Department of Justice. Last May, DOJ and the El Dorado County Sheriff's Office raided its Rocklin headquarters.

However, that case was closed earlier this year after investigators examined "volumes of evidence," said Gledhill, the attorney general's spokeswoman. The evidence "did not reveal criminal impropriety at the corporate level," she said.

The arrest of Palmer - four years and one week after Johnnie's death - came as a surprise to Esco.

For six decades, Esco had been accompanied around the world by the woman nicknamed "Sunshine," a lively, 5-foot-4-inch woman he met on a Los Angeles streetcar.

They had three children and remained inseparable. Esco and his adult children settled their lawsuit against Horizon West Healthcare for \$2.9 million, according to court documents. The suit accused the company of "extreme cost-cutting" that put patients in danger.

Lesley Ann Clement, the Sacramento attorney who represented the Escos, said the attorney general's action sends a powerful message to nursing home administrative personnel that "they have to put patients first over profits."

"This is amazing," said Clement. "Justice for Johnnie is long overdue."

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