

Disabled patient strangles

The woman was left unattended at O'Berry state treatment center.

BY MICHAEL BIESECKER, Staff Writer

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RALEIGH - A severely disabled patient at a state home in Goldsboro died last month after she was left unattended for more than an hour and slid down in her wheelchair, strangling on the strap intended to hold her in.

The patient's death occurred at the O'Berry Neuro-Medical Treatment Center on March 11, but for nearly a month, officials at the state Department of Health and Human Services refused to disclose how she died or to release its written reports about the incident.

Spokesman Brad Deen said Friday that three O'Berry employees lost their jobs following the death.

Following repeated public records requests from The News & Observer, the department released a copy Friday of a March 16 report by federal regulators.

That review led to a finding that conditions in the section of the state home where the death occurred posed an immediate threat to the safety of patients. The facility has until April 15 to correct those deficiencies or face the loss of Medicaid and Medicare funds.

According to the federal report, the patient was supposed to be monitored a minimum of every 15 minutes, because of her known tendency to slide down in her chair.

About 5:40 p.m. on March 11, a staff member moved the patient into her bedroom and left her there, seated in a wheelchair with a Velcro strap used to keep the woman in.

The chair also had a "hammock-style" footrest for the patient's legs, though staff members said she preferred to be seated with her feet folded back under her thighs.

At 6:45 p.m., another staff member went looking for the patient, realizing she had not yet been fed dinner. The employee found the patient in her room.

"She had slid down in her wheelchair and the seatbelt was across her neck," the report says.

The patient was later declared dead at a local hospital. The Department of Health and Human Services has refused to release the patient's name, citing its own interpretation of a state medical privacy law that applies only to state-run facilities.

A separate law passed last year, following an N&O series that disclosed 82 questionable deaths in state mental hospitals and homes for the developmentally disabled, requires the Office of the Chief Medical Examiner in Chapel Hill to review all deaths in state facilities.

Though autopsy reports are public records under state law, the state's chief medical examiner, Dr. John Butts, says his office doesn't have enough staff to locate the files on deaths in state facilities unless the newspaper first provides the names of the dead, the very information DHHS refuses to disclose.

A state Senate bill introduced March 25 by Majority Leader Tony Rand would, if approved, direct the department to publicly disclose information about those who die in state mental and medical facilities, including the names of the dead and the circumstances under which they died.

Gov. Beverly Perdue has said she supports the measure.

Vicki Smith, executive director of the legal advocacy group Disability Rights North Carolina, said the death at O'Berry highlights the vulnerability of people with severe disabilities.

"Their lives so often depend on the ability of assigned staff to do their job," Smith said. "I can't imagine this woman's terror while she waited for someone to come and save her."

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