

Another Northern California care-home resident allegedly left in the sun, state says

[Sam Stanton](#)

Two months before Gene Rogers [died from heat stroke](#) after being left in his wheelchair on a patio at a Westmont Living care home in Roseville, another resident was left unattended outside for hours at a Chico facility run by the same company, state records show.

The incident at The Terraces' Compass Rose memory care center in Chico occurred April 23, when a regulators received a complaint that a resident "was left out in the sun for several hours," a state Department of Social Services [report](#) states.

Butte County paramedics who responded to the facility indicated that staffers there were unable to explain how the incident occurred, writing that "six staff were present and no one knew anything."

"Resident was left out in the sun for several hours," the state's report on the incident states. "It is unknown who left him out there from the AM shift, but he was found at 4:11 p.m., dehydrated and unresponsive.

"Resident was red, sweaty and the weather was between 70-80 degrees."

The resident was found in an "altered level of consciousness" without a shirt on "and having dried vomit on his face, mouth and chest," the state report found, and paramedics had to suction out his throat "to help clear debris left over from vomiting."

The resident, who is not named in the report, died two weeks later, with an autopsy report stating that "significant conditions" found included "acute

pneumonia” in both lungs.

Brad Azevedo, the executive director for the Chico facility, did not respond to a telephone message seeking comment.

But the state’s Sept. 21 complaint investigation report says paramedics were told by staffers that no one knew who left the resident outside or for how long.

“Multiple staff said their attention was diverted to a different resident who was a fall risk,” the state report says. “Multiple staff interview stated concerns about having more caregivers on at a time.

“Staff said, ‘we haven’t done head counts in a while. We are short staffed and we can’t give residents what they need.’ ”

State social service records show Azevedo met with regulators Sept. 21 and agreed to increase staffing and implement head counts “to include personal contact with residents to make personal observations of residents current condition.”

“Facility agrees to supervise residents outside,” the state report adds.

A follow-up report filed in January found that the facility agreed to require staff to be present when residents are in the courtyard, and state regulators are still evaluating whether to impose a civil penalty that could be as much as \$15,000.

The state’s investigation report describes a scenario similar to the one alleged in the Roseville death of Rogers, an 83-year-old former Marine who had been living at Westmont’s Meadow Oaks facility for six months because of dementia.

Rogers allegedly was left alone in his wheelchair last June 30, when high temperatures hit 103 in Sacramento. State records show Rogers was on the

patio for nearly two hours and was found with sunburn, blisters and a body temperature of 103.4.

He was hospitalized and died in hospice two weeks later from “heat stroke due to prolonged exposure to sun and heat,” social services records state.

Regulators initially levied a \$1,000 fine against the facility, and last week assessed an enhanced penalty of \$15,000 – the maximum allowed under state law – after finding Meadow Oaks “failed to provide adequate care and supervision” to Rogers.

“That’s the most serious fine,” said Carole Herman, president of the [Foundation Aiding the Elderly](#) who filed a complaint with the state over Rogers’ death.

But, she added, the amount is “pocket change” to Westmont Living, which operates facilities along the west coast and is based in La Jolla. The company did not respond to email and phone messages regarding either incident.

Sacramento attorney Sean Laird has filed a wrongful death lawsuit over his death on behalf of the Rogers family. Westmont attorneys responded to the suit in Sacramento Superior Court with a Feb. 4 filing denying wrongdoing and stating that Rogers “failed to exercise ordinary care on his own behalf for his own safety.”

The company, which is asking for the lawsuit to be dismissed and for attorney’s fees, added that Meadow Oaks’ care “was proper, appropriate and reasonable for an individual with the medical and psychological conditions that he had.”