

Elder Abuse Charges Brought Against Nurses For Their Role In The Death Of A Nursing Home Resident During Short-Term Admission

When complications arise during a nursing home admission due to the [negligence of nursing home staff](#), the matter may be pursued civilly in the format of a nursing home lawsuit--- but rarely is the matter pursued criminally.

Obviously, much of the hurdle to a criminal prosecution of a nursing home abuse or elder abuse matter derives from the fact that few of the victims are capable of testifying and hence the case relies primarily upon potentially flimsy circumstantial evidence. However, there are indeed episodes of extreme neglect of nursing home patients when the facts essentially speak for themselves.

One of these devastating situations involving extreme neglect of a nursing home patient involves the case of Johnnie Esco. In 2008 Mrs. Esco was admitted to El Dorado Care Center in Placerville, CA for a short term admission to rehabilitate from a bout with pneumonia following a hospitalization. In just 13 days at the facility, suffered such extreme neglect that she [died at nearby hospital from fecal impaction](#).

While the matter was prosecuted civilly by the Esco family, an initial investigation of the incident by the District Attorney and the Department of Justice deemed there to be insufficient evidence for a criminal prosecution.

Not content with the DA's initial response concerning the death of his wife of 60 years, Mr. Esco has spent a good chunk of the past several years urging authorities to re-evaluate the original decision not to criminally prosecute the nursing home staff who were responsible for Mrs. Esco's care during her time at El Dorado.

Persistence has paid off for Mr. Esco. As Reported in a recent Scaramento Bee [article](#), 'Nurses face felony charges in death of Cameron Park man's wife', the California Attorney General charged two employees of the El Dorado Care Center with felony elder abuse of Mrs. Esco. Both the former Director of Nursing, Darlene Palmer, and Rebecca LeAn Smith, a floor nurse will stand trial primarily due to the fact that they had 'clearly neglected' Mrs. Esco in their supervisory roles at the nursing home.

In additon to their outward disregard for the well being of a sick nursing home patient, an investigator for the Attorney General faulted the two for failing to "properly document and investigate Esco's injuries."

Given the extreme neglect that was involved in this case, I am pleased to see justice being dispensed to those who deserve it. Hopefully, instances such as this will serve as a reminder for some nursing home employees that they can not assume their role as mere employee will insulate them from being prosecuted individually.