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## More than 10,000 Canadians abused annually by fellow nursing home residents

Toronto's Frank Piccolo was among the 10,000 Canadians abused by fellow residents in long-term care every year, a crime for which no one pays a penalty.



/ Courtesy of W5 and CTV

Frank Piccolo after he was assaulted by another resident at Lakeside Long-Term Care in Toronto on Feb. 18, 2012.

**By:** Sandie Rinaldo Special to the Star, Published on Sat Feb 09 2013

Unable to move or shout for help, 68-year-old Frank Piccolo sat frozen in his wheelchair while being hit violently and repeatedly over the face and head with a wooden activity board.

A former high school teacher and a resident at Lakeside Long-Term Care in Toronto's Parkdale neighbourhood, Piccolo suffered from Parkinson's disease and dementia. He was discovered in his room by on-duty staff shortly after the attack on Feb. 18, 2012, slumped over in his chair and drenched in his own blood.

Blood was splattered all over the walls, floor and ceiling.

According to a subsequent Ministry of Health and Long-Term Care report, his attacker, another resident with dementia, was an elderly woman who was known to staff to have aggressive episodes. She had entered his room that night not once but twice, staff told police.

The first time, she yelled and scratched Piccolo's arm and shoulder before being taken back to her room by staff.

After 8 p.m., she returned to Piccolo's room, and shortly afterward staff discovered him bloodied. The woman was found washing blood off her hands, Frank's blood.

A groundbreaking *W5* investigation into resident-on-resident abuse in long-term care homes has found that these attacks are far more common than ever thought: more than 10,000 "incidents" across Canada in one year.

The data was obtained after *W5* filed access to information requests about resident-on-resident attacks with 38 provincial and regional health authorities. Hundreds of documents came back, detailing everything from pushing and slapping to extreme violence such as that suffered by Frank Piccolo.

The 10,000-plus figure astounds experts.

Meanwhile, it seems that in Ontario, at least, few penalties have been imposed on facilities found not to have adequately protected a resident from abuse.

Under the province's Long-Term Care Homes Act, the Ministry of Health has the power to order improvements in a facility, and can take over its management or even shut it down.

But there is no provision for criminal charges in resident-on-resident attacks. And, in case after case reviewed by *W5*, the most that had been done was to require homes in violation of the act to submit a plan promising to do better next time.

So, families like the Piccolos complain there is no real penalty, and no justice.

Theresa Piccolo, Frank's wife of 46 years, says she is still shocked by the violence inflicted on her husband in a place that was supposed to care for him. "We had no idea anything like this could possibly happen."

In an interview after the Ministry of Health had found that Extendicare, the company that operates Lakeside, failed to protect Piccolo from abuse, Extendicare Ontario regional director Tracey Mulcahy described the attack on Piccolo as "dreadful" and "disturbing . . . that's why we work so hard as a sector on prevention. We need to avoid incidences like this. We need to take this and move forward."

Christina McCarthy, Frank's daughter, says the family decided to place him in Extendicare Lakeside when he was 63, after his dementia had progressed to where he could no longer care for himself and the family could not cope with his daily needs. "We wanted my father to be safe and to have to rely on another place to make him safe was very difficult."

McCarthy took photos that showed her father's horrendous injuries. "I wanted people to see what had happened. It was a horrible sight. He had a bandaged head. He was bleeding, and no one wants to see their parents like that."

After the attack, Toronto police were called to investigate. Occurrence report 4259155, obtained by *W5*, describes the scene: an employee of the nursing home found Frank Piccolo "in the room seated in his chair, covered in blood and suffering from trauma to the head and face. In front of room 2118 (staff) found another resident, standing with blood on (her) face, hands and clothing."

Attending police recommended that the attacker be kept under supervision and that Piccolo be protected in future.

But despite the clear evidence of assault, police chose not to lay any charges. The occurrence report status is marked: "No Further Action."

In a letter to Piccolo's wife, Supt. Mario Di Tommaso, Unit Commander of 14 Division, whose detectives investigated the attack, explained: "The suspect in this case would not have been mentally fit to stand trial. The age, nature of illness, mobility and current capacity of both your husband and suspect were major contributing factors for this decision."

Di Tommaso said in a subsequent interview: "There is culpability with the person that is committing the assault, but in my view there is some sort of responsibility in terms of the home as well. That home has a duty under the Long-Term Care (Homes) Act to provide a safe environment. "

However, according to Di Tommaso, whether the home had failed to provide that "safe environment" was not an issue for police to investigate. "That is the exclusive jurisdiction of the Ministry of Health," he said. "They oversee long-term care homes, not the police."

Not willing to leave it at that, Theresa Piccolo called the Ministry of Health and Long-Term Care. She demanded an investigation and went so far as to send the photographs of her husband, black and blue, to Health Minister Deb Matthews.

For its part, the ministry did investigate. In an inspection report dated April 2, 2012, a ministry inspector found that "Lakeside had violated the Ontario Long-Term Care Act" and had failed in its "duty to protect" Frank Piccolo.

The investigation also found that the nursing home had known for weeks that Frank's attacker was aggressive and still left her unsupervised.

"Resident was admitted to (Extendicare Lakeside) in January 2012," wrote Nicole Ranger, the ministry inspector of Frank Piccolo's attacker, "and since the admission to the home, resident had several behavioural incidents that required assessments and interventions."

Ranger's report goes on the list several occasions in which the woman's behaviour was "physically and verbally aggressive towards staff and other residents":

- "hit and splashed a cup of juice" over another resident's caregiver;
- pushed another resident;
- threw a cup of juice at a registered practical nurse, "resulting in a large swollen area on the RPN's forehead";
- threw another cup of juice at the home's pharmacist;
- chased staff out of her room and back to the nursing station;
- was verbally aggressive to staff and another resident at dinner;
- poured water on other residents while they were lying in their beds.

"There was no assessment for the behaviours noted for resident," the report continued. "There was (sic) no interventions implemented, no strategies developed to respond to resident's behaviours prior to the incidents.

The ministry found that “the licensee did not protect (Frank Piccolo) from abuse by anyone . . . The licensee is requested to prepare a written plan of correction for achieving compliance to ensure that residents are protected from abuse by anyone and shall ensure that residents are not neglected by the licensee or staff, to be implemented voluntarily.”

“The nursing home was entirely, completely negligent and they did not keep my husband safe as they are required to do according to the Long-Term Care Act,” says Theresa, herself a former teacher.

“I don’t understand why nursing homes can’t be charged with a criminal act when something like this happens.”

When *W5* asked Extendicare’s Mulcahy about Theresa’s comment, Mulcahy replied: “And I can assure you that everyone at Extendicare feels for any family member . . . involved in this incident. And that’s why we will continue to work so hard with the Ministry of Health, with our local health integration units, to prevent this from occurring. And taking every precaution necessary to prevent this from happening to someone else.”

Extendicare is a for-profit nursing home chain that operates 243 seniors care centres in North America, including Lakeside. In 2011, Extendicare’s business generated more than \$2 billion in revenues.

*W5* also asked Health Minister Matthews about the Piccolos’ sense that no one is taking responsibility for Frank’s assault. “You know, it’s absolutely heartbreaking and absolutely unacceptable,” Matthews replied. “This is one of those very, very rare cases, and it’s a reminder that we must always continue to do better. But these (cases) would be thoroughly, thoroughly investigated and appropriate steps taken.”

**W5 presented** the documents it had obtained describing resident-on-resident attacks across Canada to the University of Toronto’s Institute for Life Course and Aging for analysis.

“I can say in Canada we’ve never had a study on abuse in any institution, let alone on resident-to-resident,” says Lynn McDonald, the director of the institute and a professor in U of T’s faculty of social work.

“I was really surprised to see how high that is,” continues McDonald, who believes the 10,000-plus figure is much too low because of under-reporting of incidents. “You wouldn’t want to live in a place where you’re afraid someone is going to come in your room and hit you or hurt you. You and I wouldn’t want that. Why should anybody in a nursing home?”

When *W5* showed McDonald photos of Frank Piccolo’s assault, she said, “She could have killed him.”

Staff at long-term care homes and advocates for seniors believe a major contributing factor is the ratio of staff to residents. Despite claims from many homes that the average daytime ratio is one staff for every eight patients, personal care workers interviewed for this story claim that ratio is rarely met.

“You could be one PSW on a floor of 25, and if two residents start going at it, what do you do?” says Miranda Ferrier, President of the Ontario Personal Support Workers Association.

Ontario’s Long-Term Care Homes Act does not spell out required or optimal personal support worker-to-resident ratios.

Ferrier notes that in her experience most aggressive acts occur at night. It's called "sundowning."

"I can remember standing at the nursing station," she says of an incident at a home where she had worked. "In one part I had a wanderer down one hallway and I had a man down the other hallway that was screaming and hollering at the top of his lungs."

Extendicare told W5 it has drafted a voluntary plan of action, including an increase in registered staff. After the assault, the centre installed video surveillance in the unit where Frank lived.

Not good enough, insists Theresa Piccolo. She is determined to ensure her husband's tragedy isn't an "invisible crime." Theresa doesn't blame Frank's attacker, or the staff. She blames Extendicare and has taken her story to the street, picketing in front of Extendicare's Lakeside Long-Term Care Facility, hoping no one else suffers the way her family has.

As for Frank Piccolo, he moved back to the home after being treated in hospital for his painful injuries. His attacker was moved back to her room right across the hall. Three months after he was brutally assaulted, Frank Piccolo died of pneumonia. His family believes he just gave up.

Following a 2012 W5 investigation into abuse in long-term care facilities in Ontario, the program received many emails and phone calls from across Canada. Discovering that there were no national statistics for resident-on-resident attacks, W5 decided to compile its own.

W5 journalists identified 38 jurisdictions that keep records of abuse in long-term care: six provincial ministries and, in four provinces, 32 regional health authorities. The next step was to file access-to-information requests with each.

The show had initially sought occurrence reports for each reported incident, but government agencies refused to provide this data, citing privacy concerns, or sought huge fees cost of just \$1,000.

In the end, the program received a mix of statistics and occurrence reports. The next challenge was to analyze the data to produce an estimate of the total resident-on-resident incidents in one year. W5 enlisted the aid of professor Lynn McDonald and her team of researchers at the University of Toronto's Institute for Life Course and Aging.

The documents showed 23,521 occurrences of all types in one year. In 26 of the 38 jurisdictions the data provided specific information about the type of incident — 6,494 resident-on-resident altercations. The challenge was to calculate numbers for Quebec, Alberta, Prince Edward Island and nine health authorities that provided only a total number of incidents.

McDonald's team estimated that 43 per cent of all occurrences are resident-on-resident. Applied to the total numbers of incidents in the 12 jurisdictions for which there was no specific data, this implied a further 3,553 resident-on-resident confrontations, for a total single-year estimate of 10,047 — an astounding national number and one never before reported.

**Sandie Rinaldo** is weekend anchor of CTV National News and a correspondent for W5. The full-hour documentary "Crisis in Care" will be broadcast tonight at 7 p.m. on CTV.