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# LAWSUIT CLAIMS BROKEN PROMISES

By Tammy Asnicar  
RR Press Staff Writer

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Morrow Heights Assisted Living Community in Rogue River was named in a class action lawsuit that was filed against its parent company, Sunwest Management, on March 22 in Multnomah County Circuit Court.

The lawsuit lists all 50 residential facilities in Oregon operated by the Salem-based Sunwest. According to Kathryn Stebner, the elder rights attorney who filed the lawsuit, there have been no specific charges or complaints lodged against Morrow Heights located at 176 Wards Creek Road.

The lawsuit alleges that Sunwest Management, Oregon's largest provider of assisted living, does not deliver the services it promises to elderly clients who are charged between \$3,000 and \$5,000 a month for residential care.

The representative plaintiffs are Cathleen Naylor, 81, and Gwen Olmstead, 80, two residents of Sunwest-operated Deer Meadow Assisted Living in Sheridan. Naylor and Olmstead signed contracts for services that allegedly were never provided. Additional charges claim Deer Meadow is in violation of state laws governing the operation of residential facilities.

Stebner alleges that the Sunwest Management facilities cannot, and do not provide the services and care promised in residents' contracts.

According to Stebner, the company misrepresents the number of skilled care providers it employs, but will go ahead and charge a client for a higher level of care than is actually given.

"This is about broken promises for higher profits," Stebner said. "It's shameful that Sunwest is preying on our senior citizens and their families at such a vulnerable time."

Stebner added that, "Complaints come from staff and residents, but they fall on the deaf ears of management."

There are currently 40 residents at Morrow Heights, according to Terry O'Donnell, the facility administrator.

The staff to resident ratio "is appropriate," O'Donnell said.

All other questions regarding the lawsuit were deferred to company headquarters.

In a press release, Wally Gutzler, executive vice president of Sunwest and the corporation's general counsel called the lawsuit "frivolous and inaccurate."

Gutzler added that "we look forward to addressing the issues via the judicial process, where we are confident that the true facts of the situation will come to light."

An Assisted Living Residence is defined by the Assisted Living Federation of America as a special combination of housing, personalized supportive services and health care designed "to meet the needs of those who need assistance with the activities of daily living such as bathing, dressing, eating and monitoring medications."

The typical resident is an older adult who can no longer manage at home, but does not require the more complex, 24-hour care provided in nursing homes.

Residents live in their own apartments.

According to the community website, Morrow Heights offers a variety of basic services including 24-hour on-site staff, three meals a day, health resources, health monitoring, assistance with daily living, "life-enhancing" activities, weekly housekeeping and linen service, and utilities.

Personal Assistance Plans also are available, and they include medication management, medical appointment scheduling, health services, incontinence care, assistance to and from meals and activities, safety and security checks, and diabetic care.

Medicare does not cover assisted living specifically, but will pay for medical expenses, such as doctor's visits, hospital stays and therapies.

Residents or families generally pay the cost of assisted living out of their own pockets. Some types of health insurance or long-term care insurance may reimburse all or a portion of the assisted living cost for qualifying residents.

Sunwest, which began in 1991, operates approximately 200 residential facilities nationwide; 25 percent of them are located in Oregon. In Southern Oregon, it manages facilities in Ashland, Eagle Point, Grants Pass and Klamath Falls, which each have three residential communities.

According to Stebner, the litigation could potentially have 3,000 plaintiffs in Oregon alone.

Stebner, a San Francisco attorney who practices in Oregon and California, is co-counsel in a similar class action lawsuit against Sunwest in California.

"This is empowering to residents and their families," Stebner said. "They are up in arms, with their canes high in the air."