

San Francisco Chronicle

THE VOICE OF THE WEST

S.F.'s system to protect elderly is found to fail

Rising demands on agency cited in death of bedridden woman

[Jaxon Van Derbeken, Chronicle Staff Writer](#)

Friday, April 6, 2007

Mary Schneider lived in one of the city's most exclusive retirement hotels, complete with gourmet meals and contracted around-the-clock care, but she died last year in agony and neglect, suffering horrific bedsores.

The bedridden 91-year-old died in May after a San Francisco city agency failed to properly investigate a complaint that she suffered from bedsores, according to criminal court proceedings and the agency's own written procedures.

The failure raises anew questions about whether the Adult Protective Services agency is capable of handling growing demands.

The actions of Adult Protective Services, part of the city's Human Services Agency, are usually shrouded in secrecy -- city officials have refused to discuss any of its cases, citing confidentiality rules.

But a criminal trial this month of two private caregivers accused of neglect in the Schneider case revealed a near-total breakdown in the city's system designed to protect the elderly.

In the end, the jury cleared one of the private caregivers of wrongdoing Tuesday but was not able to agree on whether a second was guilty of felony or misdemeanor abuse. A decision on a retrial is pending.

But the jurors all agreed on one thing:

"The system and APS really failed Mary Schneider," said the jury's forewoman, who spoke after the trial on the condition she not be identified by name.

Schneider had been staying for the previous two years at the Broadmoor on Sutter Street on Cathedral Hill, which charges a minimum of \$1,500 per month. The retirement hotel

bills itself as the finest in the country. Hotel officials were not responsible for her care, however.

Schneider's son, Richard Schneider, who suffers from colon cancer, had hired a series of caregivers for his mother, according to his own testimony.

In the end, two of those caregivers, Mele Latu, 22, and Noemi Garcia-Pineda, 29, both women living in the country illegally, were given the job -- and after Mary Schneider's death were prosecuted by the district attorney's office.

They sometimes would take Schneider to doctor visits and were supposed to make sure her needs were met around the clock.

But one of Schneider's earlier caregivers, Marta Panameno, whom Schneider's son let go for being too expensive, told the jury that early last year Garcia-Pineda had talked to her about Schneider's bedsores, weight loss and possible neglect.

Panameno testified that the information and other concerns were enough to cause her to alert authorities. Giving a false name, she called Adult Protective Services to report her former charge's plight.

In response, an Adult Protective Services social worker visited Schneider at the Broadmoor. The social worker, Andrea Glass, testified that she asked her supervisor at the agency beforehand if she needed a nurse to come with her, but the supervisor said there was no need.

Adult Protective Services "completely fell down on the job" to a shocking degree, prosecutor Elliot Beckelman told jurors in the case against caregivers Latu and Garcia-Pineda.

When Glass, the Adult Protective Services social worker, showed up on April 13, she simply surveyed the room and found that Schneider appeared to be well cared for. After a brief conversation with Latu, the target of Panameno's complaint of neglect, Glass left the Broadmoor.

She testified she had asked Latu about the sores outside the room.

"I would never do anything like that," Latu told her, according to Glass's account. Latu did not testify.

The failure to check on the bedsores by Glass left Schneider -- totally dependent on caregivers and unable to speak -- to suffer in silence, Beckelman told the jury. She died of an inflamed pancreas on May 5 but suffered what one expert said was the worst case of bedsores he had seen.

"You know that's outrageous, on a call for bedsores, not to look at the body," Beckelman told the jury. "She was taken in by the visuals -- she had nice hair, nice nails, a nice room. ... That's lazy."

Added Beckelman: "If she did look, what would she have found? She would have found the bedsores. She would have found negligence. Mary would not have suffered between April 13 and May 5."

Steve Rosen, the attorney for caregiver Garcia-Pineda, who was cleared of wrongdoing by the jury, told the panel in his closing argument that "we're here because of a total system failure."

Referring to the extreme bedsores, Rosen said of Glass' conduct: "It's, it's, it's criminal what she did ... and what she didn't do."

City officials who oversee Adult Protective Services said that in general, they will follow up on any allegation of wrongdoing lodged with social workers, but many turn out to be unfounded.

"We investigate every case. We don't take things like this lightly," said Anne Hinton, head of the Human Service Agency's Department of Aging and Adult Services, which oversees Adult Protective Services.

Hinton said the APS manual "highly recommends" that a nurse be consulted when a health-based accusation is made.

"Clearly our role in this community is to check up on allegations and to follow up on them when we determine something to be wrong," Hinton said.

The breakdown in the Schneider case is the latest one to hit the city's elderly care monitoring system.

In 2005, an 84-year-old San Francisco woman, Ellen Gutierrez, was found to be living for months in an apartment in which gang members were hanging out and using drugs.

A city investigation found numerous lapses and prompted Mayor Gavin Newsom to call for hiring 14 more social workers, a process that is under way. The city now plans to hire 10 social workers, one supervisor and one clerk.

The city and two agencies involved in assisting Gutierrez had "systemic problems" of insufficient staff, inadequate training and a failure to report suspected elder abuse, the investigation found.

When other issues arose of alleged abuse, the agencies who were assisting Gutierrez left voice-mail messages for two city staff members rather than calling the Adult Protective Services hot line, according to a report of the findings.

"There is no centralized system that tracks services provided to elderly people in San Francisco," said Kathryn Stebner, a lawyer who has sued the city on Gutierrez's behalf.

Adult Protective Services, she said, is understaffed and overworked. "There's problems with training there -- that (Schneider) situation, to me, reeks of lack of training."

Adult Protective Services has a staff of 50 with six supervisors, three nurses and 33 case workers. It now handles about 333 new investigations a month, Hinton said.

Hinton said the caseload statewide for county agencies like hers has grown from 82,000 abuse and neglect reports to 102,000 annually over the last five years, a jump of 24 percent. Locally, she said, the 333 new cases a month in 2006 is up from an average of 184 cases monthly in 2000.

She said the city elderly population has increased steadily and will increase even more in the coming years.

"We have a huge influx now -- right now we are in the 17 percent range (in the 60 years or older population), and we are heading for 24 percent," she said.

The Baby Boomer population is retiring, and more elders are living longer. "We have a lot more folks in the 85-plus group -- it's the fastest-growing group, actually."

S.F. Adult Protective Services at a glance

Budget: \$4.4 million

Number of employees: 50

Caseload: 4,000 investigations a year

E-mail Jaxon Van Derbeken at jvanderbeken@sfgate.com.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/04/06/MNGAMP44NM1.DTL>

This article appeared on page **A - 1** of the San Francisco Chronicle