

February 6, 2017

Richmond, VA - Commonwealth Senior Living (CSL), previously operated as Commonwealth Assisted Living, a property of Osprey/Pantops Place LLC, located in Charlottesville, VA, has been ordered by an arbitrator to pay \$900,000 in damages for its neglect of Diane Franklin, a former resident.

The claim resulted from CSL's failure to perform its daily check-in process¹ for four consecutive days during which Ms. Franklin was completely incapacitated due to a broken bone. During this time she had no food, water, medication or toilet access. Ms. Franklin was discovered by her daughter who coordinated Ms. Franklin's ambulance transfer to Martha Jefferson Hospital where she received emergency treatment and remained for six days.

The lawsuit, which was subject to the arbitration requirement of the CSL residency agreement, charged CSL with negligence and requested punitive damages. Although punitive damages were denied, the arbiter, Michael E. Harman, Esq. wrote in his ruling, "I am very bothered by the points raised by Plaintiff as to the deficiencies in the Phone Check-in System's design, implementation, training and operation."

Concerning the negligence charge, Harman wrote, "I find that each of the alleged items of damage was proven by a preponderance of evidence to have been caused by the aforementioned delay in Franklin receiving care and treatment." Harman went on to say, "In summary, I found this to be a horrific experience for Diane Franklin and one which caused her immeasurable injuries, physical pain, mental anguish, humiliation, embarrassment and inconvenience."

For information regarding a similar incident that occurred in the licensed assisted living facility unit at CSL see the Virginia Department of Social Services report at <http://www.dss.virginia.gov/facility/search/alf.cgi/>. The Division of Licensing cited CSL for a violation as a result of this second incident.

CSL operates more than 20 facilities within the Commonwealth of Virginia, some of which generate revenue through their unregulated independent living units. When properly managed, independent living facilities allow residents to maintain their independence, while enjoying the life-safety benefits provided by the facility. However, the unregulated nature of independent living facilities prevents the Commonwealth of Virginia from taking enforcement and disciplinary action when a facility fails to provide the services it promises to its residents, leaving a vulnerable elderly population at risk.

Ms. Franklin's family is now working to bring light to the independent living industry in Virginia. For more details about Ms. Franklin's story and the case, please email us at info@commonwealthseniorcare.com.

¹ CSL's Resident Handbook, which is an appendix to the CSL residency agreement, reads, "To ensure the well-being of all residents we ask that you call the Front Desk no later than 10:30 a.m. each day. In the event that you do not call we will call your apartment phone; if you do not answer an employee will then come to your apartment to ensure that you are okay and not in need of assistance."