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Texas Nursing Home Deaths Coming to Trial After 6 Years

GALVESTON, Tex., Sept. 8 (AP)-Six years after a young prosecutor ran across a neglected file of reports alleging that elderly nursing home patients had died of abuse and neglect, a convalescent home chain and several employees are going on trial Monday.

Along the way, the case has been before three grand juries, cost the young prosecutor his job and spurred calls for reforms within the nursing home industry and state regulatory agencies.

"All along, I felt the solution for these old, abused people was the criminal justice system," said the former prosecutor, David Marks, who is now an assistant State Attorney General. "Everyone else had turned their backs on them."

The Autumn Hills Convalescent Center Inc., a Houston-based nursing home chain and its president and four current or former employees are charged with murder in the deaths in 1978 of two women at its home in Texas City.

Allegations Termed "Absurd"

Mr. Marks discovered the file in May 1979 while working in the misdemeanor division of the Galveston County District Attorney's office. It contained reports from state inspectors who said elderly patients had been left for days in their own waste, that their bedsores and other afflictions were ignored and that they were beaten and abused.

Defense attorneys have steadfastly maintained that their clients are innocent and have blasted the allegations as "absurd" and "incomprehensible."

"When you talk of murder, you have to show intent and certainly there's none of that there," said Mike Ramsey, who represents Cassandra Canlas, the former director of nursing services.

"It was Sandy's first administrative job," Mr. Ramsey said. "She was young, about 23 and was saddled with some pretty heavy responsibilities. She probably made some mistakes, but murder was not one of them."

Trial Moved to San Antonio

Mr. Marks, who is now 32 years old, said the deaths of the two elderly women "were hastened by the misconduct at Autumn Hills."

A special grand jury in November accused Autumn Hills, its president, Robert Gay, 58 and four other employees including Miss Canlas, of failing to provide adequate care, nutrition, medications, bathing facilities and other needs for patients.

The indictments also charge that the defendants falsified records and failed to adequately evaluate and supervise nurses and to take appropriate action when they knew patients were not getting needed care. The defendants are also accused of failing to report abuse and neglect of 62 other patients.

The trial has been moved 245 miles to San Antonio because of publicity. Mr. Marks first took the case to a grand jury in October 1980.

Six months later, the panel charged the corporation and eight officers and employees with murdering eight patients.

Prosecutor Defied Superiors

But the indictments were found defective and charges were dismissed. In June 1981, another grand jury issued indictments on the same charges.

The corporation settled the case in December 1982 by pleading no contest to one charge of involuntary manslaughter. But the plea bargain incensed Mr. Marks, who defied his superiors and tried to block the agreement in court.

As a result, Mr. Marks lost his job, but he was hired 2 months later by Texas Attorney General Jim Mattox to continue the investigation.

The plea bargain was dissolved in January 1983 when a new District Attorney convinced the judge that Texas law had no provisions for placing a corporation on probation.

A third grand jury was impaneled and it issued the charges now going before the court. "I'm glad we'll finally find out what's going to happen to Autumn Hills," said State Representative James Hury, the former District Attorney who agreed to the earlier settlement. "If I was wrong, then so be it."