

# North Seattle nursing home to pay \$475,000 in assault case

By **Sandi Doughton**  
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A Seattle nursing home will pay \$475,000 to settle a lawsuit filed on behalf of an 86-year-old woman who was sexually assaulted by another resident.

The victim and her elderly assailant suffered from dementia, and both have died since the 1998 incident at Foss Home & Village in North Seattle.

The settlement will be paid to the woman's son and daughter, said their attorney, Scott C.G. Blankenship.

The lawsuit filed in King County Superior Court alleged that the nursing home didn't do enough to safeguard the woman from the elderly male resident, who had had a history of sexual touching and aggressive behavior.

Staff members found the man in the woman's bed, apparently attempting to rape her, Blankenship said.

"We hope this case will make facilities like Foss more careful in the future, make them realize they need to protect people more," he said.

John Henkel, administrator of the 210-bed nursing home, said police investigated the incident and decided to not press charges against the man. State regulators also investigated and found no wrongdoing by the facility, he added.

"The man got into the bed, there's no denying that," Henkel said. "Our staff saw that and they took him out and we heightened security." The facility also boosted training for its staff.

Henkel said the decision to settle the case was made by the nursing home's insurer.

The case is one of the few in Washington filed under a 1995 law that guarantees elderly abuse victims can recover attorneys' fees if they sue for damages and win. Similar to civil-rights legislation, the Abuse of Vulnerable Adults Statute was meant to encourage attorneys to take on such cases, said Jeff Crollard, who helped craft the law as an attorney for the Washington State Long-Term Care Ombudsman, a nursing-home-watchdog organization.

Elder-abuse cases often have gone unnoticed, because courts and juries don't assign much economic value to the life of an elderly person, Crollard said. Providing attorneys' fees through the 1995 law was envisioned as a way to make the cases more appealing, he said.

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