Some police get tough on unlicensed care homes


BY CHRISTIAN BOONE AND CRAIG SCHNEIDER - THE ATLANTA JOURNAL-CONSTITUTION
About once a day, on average, someone complains to the state that an unlicensed care home is mistreating an elderly or disabled person – injuring them, stealing their money, failing to feed them properly.

Some calls come from people living in these places. Some come from neighbors who spot mentally challenged residents wandering the neighborhood. Some are passed on by local police.
Altogether, the number of complaints has almost doubled in three years. Advocates suspect that’s partly due to an increase in illegal group homes, which exist in an underground world where officials often can’t find or inspect them, let alone shut them down.

But people who follow the issue also credit a new law criminalizing the operation of unlicensed facilities. The
law, they say, has fostered better communication between state regulators and law enforcement. In the past, complaints often fell through the cracks between agencies. Police treated unlicensed homes as code enforcement issues or didn’t know where to report them.

Now, they’re treating rogue operators as criminals.

“I think it’s starting to pay off,” said Brian Looby, who until earlier this month headed the Department of Community Health division that handles the complaints. “There’s an awareness, agencies are working together very closely.”

However, even as the number of complaints has risen – from 129 in 2010 to 243 so far this year – advocates say enforcement remains lacking. They believe hundreds of illegal homes exist across the state.

“We’re chipping away at the tip of the iceberg,” said Pat King of the state Division of Aging Services.

- Care operator also had trouble as foster mother
- Nurse charged with abuse, neglect of elderly patients in Marietta care home
- DeKalb cracks down on unlicensed care homes
- Unlicensed homes to face more state scrutiny

In May of last year, The Atlanta Journal-Constitution detailed widespread problems in the regulation of personal care homes, exposing a system that was flawed, overburdened and often toothless. About 2,000
personal care homes are licensed by the state, with about half in metro Atlanta. These homes cannot provide medical care, but they help people who are old or disabled with bathing, eating and grooming.

Licensed facilities undergo regular inspections by DCH and must abide by regulations covering employee screening and training, safety and basic standards of care.

The AJC’s investigation revealed, however, that many homes operate outside the system without a license, and that is where many of the worst abuses occur.

- Perils in personal care homes
- Lax enforcement in personal care homes

Before the new law took effect in July of 2012, when DCH found an unlicensed operator, the agency sent notices to stop operating or face a fine, and gave them a month or so to get a license. Instead, the operators often disappeared, moving their residents to another unlicensed location.

Now, DCH notifies local police.

People find these places through word of mouth or recommendations from health care professionals (who may or may not have bothered to vet the places). Some operators troll homeless shelters to find residents.

The AJC found cases of residents being beaten with belts and burned with curling irons, kept in basements with buckets for toilets, robbed of their public assistance and pension checks, and shuttled from home to home as operators kept one step ahead of the law.

Rep. Sharon Cooper, R-Marietta, who sponsored the legislation that criminalized unlicensed homes, said some police have complained that the law isn’t tough enough. The first offense is a misdemeanor; subsequent ones are felonies.

“They say it’s a lot of paperwork for a misdemeanor,” she said. “Some cases are not being pursued.”

She hopes to change the law when the Legislature convenes in January, making the first offense a felony.

But DeKalb District Attorney Robert James said he is wary of making the first offense a felony. In some instances, an operator may be providing good care and may simply need to apply for a license. “I wouldn’t want to make them a felon,” James said.

A recent bust in Marietta illustrates how the system is supposed to work. It started with a complaint from a resident of a home on Laurel Springs Lane to physicians at Atlanta Medical Center.

“There were no doors on the rooms, or on the bathroom,” the resident, 63-year-old Rose Dove, later told the AJC. “They kept us locked in the basement most of the time. They’d bring us upstairs to take a shower, but that was it.
“We were treated like prisoners,” she said.

The doctors relayed her complaint to DCH. Its inspectors visited the home in August but were denied entry. They called in the Marietta police.

When police obtained a warrant and came to the home a few days later, the place was empty. They found rotten food, bugs in the refrigerator and squalid living conditions that included tarps covering unfinished walls and ceilings.

Marietta Police Det. Dan Ohmann, who had attended the state training, spread the word that Marietta was looking for the operator, Raequel Penny.

That word reached Atlanta police. In September, some Atlanta officers uncovered an unlicensed care home in Brookhaven. When officers knocked on the door, they heard women inside screaming that the operator had locked them inside. That operator, police said, was Penny.

Penny was charged with elder abuse and elder neglect, both felonies. Through a spokesman, she denied the abuse and neglect charges but acknowledged she was operating without a license.

“She loves elderly people,” said Gerald Rose, CEO of the New Order Human Rights Organization. Rose, speaking on Penny’s behalf, said she’s worked with them for at least 10 years.

Despite recent success stories, investigations of unlicensed homes can be difficult and time-consuming, and prosecutions can be challenging. Not surprisingly, the intensity with which local authorities pursue such crimes varies from place to place.

DeKalb police shut down four unlicensed personal care homes this spring in one concerted effort. James, the DeKalb DA, said police suspicious of a home sometimes perform a “knock and talk” check in which they knock on the front door and begin a conversation. Doing so doesn’t require a warrant and can allow them to pick up on strange odors and possibly spot clues of an unkempt facility.

“Every day I get a report of one I’ve never heard of before,” DeKalb police Lt. Tom Whittington told the AJC earlier this year.

In April of last year, Gwinnett County police, after an eight-month investigation, charged Seema Vijayi with operating five unlicensed personal care homes as well as elder abuse and financial exploitation.

But she has yet to be indicted by a grand jury, and Gwinnett County District Attorney Danny Porter said he has not seen any sustained effort to crack down on unlicensed operators.

“I don’t get a lot of cases into my office,” Porter said.