

## 6 ex-BSDC residents eligible to return

By NANCY HICKS / Lincoln Journal Star  
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Six former Beatrice State Developmental Center residents are no longer medically fragile and can return to the center, according to the Nebraska Department of Health and Human Services.

Three of the six are involved in a lawsuit against the state stemming from their controversial removal in early February, said attorney David Domina.

Domina was traveling Tuesday and had not spoken to his clients to see whether they want to return to Beatrice.

The six are among 47 residents moved to hospitals after the state's chief medical officer restricted the center's license earlier this year, saying its staff could not handle medical emergencies.

Parents and guardians were highly critical of the move, saying the stress of the change would harm the residents — some of whom had lived at the Beatrice center for decades.

Two patients died in hospitals, and the state moved more than half of the 47 into group homes or nursing homes.

Recently, the center's chief medical officer determined six of the 16 patients still hospitalized are no longer considered medically fragile, based on assessments from hospital doctors and other records, according to HHS.

Eight remain medically fragile, and assessments for the other two are being reviewed.

Gov. Dave Heineman asked for the assessments in April to see if the residents' circumstances had changed, said HHS attorney Jodi Fenner.

The lawsuit, brought by Domina on behalf of six former residents, alleges the state violated equal protection rights when the residents were forced to move. It also alleges the state concocted the term "medically fragile" so it could move clients without guardians' approval.

The assessments didn't clear James "Jimmy" Allen to return to Beatrice. But his guardian wants the state to let him go home to die.

Doctors have told Don Vetrovsky that Allen, who was moved to BryanLGH Medical Center West, will not recover from pneumonia.

Allen, in his early 50s, had lived at the center from the time he was a child until he was moved in February.

"I want him to be comfortable and I'd like him to be able to spend his last days at BSDC," said Vetrovsky, Allen's guardian for more than a decade.

Vetrovsky believes the abrupt move to a Lincoln hospital made Allen's health problems worse.

"He just wasn't able to adapt."

Vetrovsky has been calling HHS leaders and state senators, seeking an exception that would allow Allen to return to Beatrice.

But that will not be possible, Fenner said.

"We cannot do that. We cannot take anyone back who would be medically fragile for hospice care," she said.

The center's license is limited and it cannot serve people determined to be medically fragile.

But the center could bring familiar staff members to the resident, or set up a room with furniture from BSDC, Fenner said.

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Print Page