



BSDC neglect trial begins in district court

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Sandra Ham was concerned about her son Ian's well-being from the time he stepped foot on the Beatrice State Developmental Center campus in 2002.

She watched as Ian, her then 24-year-old son diagnosed with autism at age two and Type 1 juvenile diabetes at age seven, became increasingly withdrawn at BSDC in addition to showing symptoms he exhibited if his blood sugar was too high or too low.

But following an operation at the University of Nebraska Medical Center in August 2008 and a subsequent operation at Beatrice Community Hospital a few days later, Ian's health deteriorated further.

In February 2009, Ian Ham was one of 47 individuals deemed "medically fragile" and removed from the center and taken to a Lincoln hospital, where he remained for nearly a year.

Sandra Ham sued the Nebraska Department of Health and Human Services' Developmental Disabilities Services in January 2010 on her son's behalf for failing to provide "reasonable medical care" for Ham, and the physical, psychological and emotional injuries suffered by Ian, as well as her lost wages and travel expenses.

In the opening day of a four-day bench trial in Gage County District Court Tuesday, Sandra described Ian's life from his infancy until he was finally discharged from a Lincoln hospital following a year-long stay after being removed from BSDC.

Sandra said she initially wasn't allowed to visit Ian, and only later discovered him to be eating snacks he "shouldn't be eating."

She also said she communicated with BSDC staff over the next five years as Ian developed more and more health problems living at 106 Kennedy, where he would get sick more often and stay sick longer than the other individuals living at the unit.

BSDC staff would take Ian to the outpatient hospital facility on campus if he did not stop vomiting. They told Sandra her son liked the attention he received at the hospital and he acted out so he could return often, she told the court.

In the spring of 2008, Ian began throwing away his food. Once, he threw his food tray during lunch time at 106 Kennedy and another individual living there attacked him after it, Sandra said, giving Ian a black eye.

That was unlike the passive Ian, Sandra said. The only behaviors he exhibited growing up were tendencies to run away from a group home beginning at age 14, climbing out of a window barefoot in the middle of the winter to wander through a construction site, she told the court.

Sandra became worried at staff reports of her son's actions and medical issues and sought the advice of another doctor who recommended the drug Reglan to help regulate his stomach and intestines.

In August 2008, Sandra said she exchanged emails with BSDC staff about Ian's fluctuating blood sugars. Typically regulated between 70-140 mg/dL, Ian would measure between 20 and 300 mg/dL in a single day.

Sandra said he lost nine pounds from April to August 2008, when BSDC staff took Ian to UNMC for treatment.

"They felt the only course of action open to me was a feeding tube to provide nutritional needs," Ham said. After consulting with several physicians, Ian was scheduled for surgery.

Ian lay awake shortly after an operation at the University of Nebraska Medical Center on Aug. 26, 2008 following a surgical procedure to insert a feeding tube into his stomach.

"I was taken back by it, I was unprepared," she said.

The gastronomy tube, better known as a "G-tube," extended more than four inches from Ian's right side causing him obvious discomfort.

And although Ian had become more nonverbal during his time at BSDC, Sandra said he pleaded with his mother for help.

"He would look at it and seem distressed and talk about 'fix' or 'cut,' as in cut it," Sandra said. "He just seemed distressed to me."

The next day, Ian was taken back to BSDC despite Sandra's concerns. The two staff members who had come to bring Ian back to Beatrice assured Sandra that staff members at 106 Kennedy were trained in operating a feeding tube and that there were "binders" capable of keeping the feeding tube in place.

"I absolutely asked that he be watched or monitored," Sandra said.

Late Aug. 27, 2008, BSDC called Sandra to tell her Ian had been taken to Beatrice Community Hospital after his feeding tube had been pulled out.

The next morning, however, she discovered the feeding tube had been replaced.

Sandra told the court she arrived at the Beatrice Community Hospital emergency room at about 11 a.m. on Aug. 28 where she found Ian strapped to a gurney with metal cuffs, "squirming" with obvious pain and discomfort.

"He was on this very short gurney and he looked awful, he looked very sick," Sandra said. "His skin color just didn't look right, his skin color just looked weird, his eyes seemed sunken, he had no luster to them."

A surgeon later told Sandra the feeding tube had been reinserted incorrectly, causing an inflammation of the lining of the abdomen and collapsing part of his stomach.

During surgery to correct the feeding tube, Ian's lung was pierced and collapsed as well, she told the court.

Ian remained in an intensive care unit for nine more days and at the hospital for three weeks before he was taken back to 106 Kennedy on Sept. 18, 2008.

In February 2009, Ian was removed from the facility and taken to a Lincoln hospital where he remained for nearly one year, Sandra said.

He has since fully recovered.

106 Kennedy, the unit where Ian lived for nearly seven years, was closed in 2011 following several instances of abuse and neglect by employees.

Five employees were fired and convicted of abuse or attempted abuse charges while 16 others were suspended.

The trial will continue Wednesday in Gage County District Court.