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Abuse of Brain Injured Americans Scandalizes U.S.

By David Armstrong

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Soon after Peter Price arrived at the Florida Institute for Neurologic Rehabilitation to recover from a brain injury, he pleaded for a rescue.

“Jess, they beat me up,” Price told his sister, Jessica Alopaeus, in May 2009. “You have to get me out of here.”

Staffers at his new home held him down and punched him in the face and groin, Price said. When Alopaeus’s efforts to transfer him stalled, Price said his desperation led him to a step aimed at speeding his release.

He swallowed five fish hooks and 22 AA batteries he’d picked up during a patient outing at Wal-Mart. After emergency surgery to remove the objects, he was allowed to transfer to another facility.

Residents at the [Florida](#) Institute have often been abused, neglected and confined, according to 20 current and former patients and their family members, criminal charges, civil complaints and advocates for the disabled.

These sources and over 2,000 pages of court and medical records, police reports, state investigations and autopsies contain an untold history of violence and death at the secluded institute known as FINR, which is located amid cattle ranches and citrus groves in Hardee County, 50 miles southeast of Tampa.

Patients’ families or state agencies have alleged abuse or care lapses in at least five residents’ deaths since 1998, two of them in the last 18 months. Three former employees face criminal charges of abusing FINR patients -- one of whom was allegedly hit repeatedly for two hours in a TV room last September.

The complaints underscore the problems that 5.3 million brain-injured Americans are having finding adequate care. Their numbers are growing, according to the U.S. Centers for Disease Control and Prevention, as better emergency medicine and vehicle safety mean that fewer die from traffic accidents, bullet wounds and other causes of traumatic brain injuries.

The long-term ills range from [memory loss](#) and physical handicaps to the inability to control violent anger or sexual aggression. Yet because insurance benefits for rehabilitation are scarce, less than half of those who need it receive it, according to the Brain Injury Association of America.

Organized as a company and operated for profit since 1992, FINR has become one of the largest brain-injury centers in the country, with 196 beds. Three rival providers say they know of no place bigger. Multi-site operator NeuroRestorative, owned by a holding of buyout firm Vestar Capital Partners, handles more patients.

FINR hasn't grown by opening its doors to anyone who needs rehabilitation, customers say. Rather, its marketing is focused on the relative few who can pay bills that reach \$1,850 a day.

That includes those injured on jobs with generous worker's compensation benefits, and car-crash victims in [Michigan](#) --which mandates unlimited lifetime benefits for automobile injury coverage.

Those who have clashed with the company over the treatment of patients say its efforts to keep costs down and extend the duration of stays take priority over care and rehabilitation.

"All people are to them is a monetary gain," said Jana Thorpe, a professional guardian who removed one of her wards from the company's care in 2008. "They don't care if they do anything for them."

Steven Siporin, another guardian, says he has placed patients at FINR when no one else would take them, and doesn't expect to send more.

"Is this the best society can do? No," he says of FINR. "Is this the best under current options? Yes."

Florida's Department of Children and Families has received 477 allegations of abuse or neglect at FINR since 2005, including 36 that were "verified" by its investigations, according to records released by the agency. The 36 verified claims and others were referred to [law enforcement](#), according to Erin Gillespie, a spokeswoman for the agency, who said she didn't know what became of the referrals.

FINR executives declined to comment for this story and turned down a request to visit its Wauchula, Florida, facility. Owner Joseph Brennick said he "preferred to stay out of the news" before ending a short phone conversation and directing questions to a lawyer, who said he would not answer them.

On its website, the company calls itself a leader in brain- injury rehabilitation. In past statements it has said it vends "extremely high quality care to very difficult clients" aimed at returning them to their homes, doesn't use seclusion and has "zero tolerance" for resident abuse.

Hardee County prosecutors have charged two FINR staffers with abusing Danny Silva, a 21-year-old autistic patient. Video of the alleged crime shows two large men flanking a smaller figure on a sofa as they punch, elbow and slap him at least 30 times. The blows often come after moans from the man in the middle, which appear to be making it hard for his assailants to hear the TV.

“Shut up, man,” they say in the video, taped by a FINR staffer, according to police. “You are getting on my damn nerves,” one of the hitters tells the smaller man between two elbow shots. A woman in nurse’s clothes shows up in the video to give the alleged victim his medicine.

Defendants LaKevin Johnson, 30, and Landrey Johnson, 39, of Fort Meade, Florida, have pleaded not guilty to the charges. Their lawyer didn’t return calls seeking comment.

Employee McKinley Scott pulled autistic patient Gabriel Allen up from his seat and threw him to the ground last December in a second case, prosecutors say. A video in the case shows a man identified as Scott pushing Allen away from him on a couch, standing him up, kicking his legs out from under him and leaving him curled up on the floor next to a blinking Christmas tree. Scott, 48, has pleaded not guilty to an abuse charge. His lawyer didn’t return calls.

In an earlier incident, Michael Lieux, a brain-injured ex- Marine from [Louisiana](#), suffocated when four FINR employees pinned him face down until he couldn’t breathe, according to a negligence lawsuit that won his family a \$5 million jury verdict in 2005.

It was homicide by “positional asphyxia,” according to the medical examiner for Hardee County. The company denied it was negligent and lost its appeal in the case.

Two resident deaths at FINR that same year led to confidential settlements of lawsuits alleging negligence and care lapses that the company denied. In 2009, a FINR staffer pleaded guilty to battery charges after punching out a resident who had scratched him during a restraint.

More recently, Reginald Hicks was taken to the cafeteria by a FINR employee and given solid food that lodged in his lungs and killed him last December, according to his daughter, Heather Hicks. Her father, a former mortgage-workout specialist injured in a car accident, had a care plan that called for tube feeding because he couldn’t swallow, she said. Autopsy findings cited aspiration of food and pneumonia as causes of death.

FINR’s marketing appears aimed at acquiring tough behavioral cases, including aggressive patients. Its website features an ad dominated by a clenched, fiery-colored fist -- “One of the Subtle Signs That It’s Time for Neurological Rehabilitation,” according to the headline.

The road to the company’s 900-acre spread in Wauchula passes fields of grazing cattle and trees draped in Spanish Moss. It houses 152 beds, with 44 more in nearby apartments and group homes. The “secluded, pastoral” locale keeps residents from trying to run away, the company has said. Other deterrents, current and former patients say, are the alligators and snakes roaming the property.

The facility was once part of New Medico Inc., a chain founded by Charles Brennick, the father of FINR owner Joseph Brennick. A 1992 Congressional investigation highlighted allegations that New Medico staff abused patients and prolonged stays to boost revenues.

Joseph Brennick, then a senior New Medico employee, promised to block discharges to keep clients, the final Congressional report said. If one wanted to leave, staffers should “all jump all over him as a team until he stays,” the report quoted a Brennick memo as saying.

Around this time, some of the facilities were transferred to the elder Brennick’s sons, according to corporate and real estate records. Joseph, who wound up with Wauchula, has prospered as its owner, according to former staffers.

In 1995, he bought South Watch, a gated estate on 62 acres near Sarasota that has a 9,000-square-foot home and is valued at \$1.7 million for tax purposes. Brennick bought 311 acres nearby for \$6.4 million in 2007. He owns four cars, one a 2004 Maybach 62 luxury sedan valued at \$300,000. FINR’s main campus is valued for taxes at \$11.2 million.

Ex-residents of FINR said they were frequently “taken down” or knocked to the floor and restrained by staff, in a routine often accompanied by beatings. They say the take-downs were described by the company as a form of restraint called BARR -- for Brief Assisted Required Relaxation. Blue mats sometimes used for the purpose are ubiquitous at FINR, according to patients and visitors.

“I was taken down at least once a week,” said Janet Clark, who stayed at FINR from 2006 to 2007 after she was injured in a car crash. Clark keeps a photo from her Wauchula days in which she is expressionless and sports a black eye that she said came from staffers.

“One time they had me down and one of the staff kicked me in the eye with a boot,” said Clark, a former prison guard who now lives on her own in Hillsborough, [North Carolina](#). “They were saying shut up, screaming at me. I was hurting so much I couldn’t stop. It was terrifying.”

Clark, 55, had behavioral issues while she was recovering, including times when she needed to be restrained, she said, but not with the force or frequency that FINR used. She received no psychological therapy there for her aggression problem although she was paying the company \$310,000 a year from a personal injury settlement, she said.

“Immediate and consistent psychological counseling and psychiatric treatment” were “clearly indicated” for Clark, according to an outside evaluation she obtained from Sally Kolitz Russell, a Miami psychologist, nine months into her FINR stay.

The company relies on a network of guardians, case workers, doctors and lawyers to find patients. It has exhibited at the annual National Workers’ Compensation and Disability Conference and the National Guardianship Association conference.

FINR also cosponsors events for the brain-injured in Michigan, home of the lifetime auto-injury benefit. There were 20 Michiganders at the facility at one point last year, according to court records -- one for every 10 beds at the facility.

Placements at FINR are often made by guardians in Michigan and elsewhere who control the finances and treatment of patients who have been ruled incompetent by courts.

“It’s human trafficking,” said Kenneth Aulph, a former lumberjack who was hit by a car while walking across a highway 12 years ago.

Aulph said he received little psychological therapy, was assigned useless tasks, and saw patient beatings after he was sent to FINR by Siporin, his court-appointed Michigan guardian, whose practice handles about 120 wards.

“I wanted to stay in Michigan where my friends and family are,” Aulph said.

A Siporin aide showed him a company brochure that “made you think you were going to a country club,” highlighting the lakes, swimming pool and library on the Wauchula grounds, Aulph said. Siporin praised FINR’s brain-injury program and added a threat, according to Aulph: If he didn’t go to Florida, Siporin would get a court order to put him in a mental institution.

Siporin promised in June 2009 that Aulph would be back in Michigan by Christmas, according to Cathy Kemper, his sister. Instead he stayed two years. Siporin denied threatening Aulph and said he made no promise about length of stay. Aulph went willingly to Wauchula, Siporin said.

After breakfast at FINR, Aulph said would spend three hours weeding in the greenhouse, followed by lunch, then a routine in which he sanded down wooden letters of the alphabet that staff tossed into the trash afterward. Aulph said he was capable of more -- including the intricately carved birdhouses on display in his Michigan apartment.

Patients were mostly restricted to the areas near their cabins in the evenings and weekends, recreation was rare and the swimming pool pictured in the brochure was filled with cement, Aulph said. Patients say they were rarely allowed near the lakes.

Kemper said she pressed Siporin almost as soon as her brother arrived in Florida to get him out and wanted to know why he wasn’t getting something better for the \$900 a day his insurer was paying.

“Ken was a cash cow,” she said.

Calls to Siporin’s office often went unreturned, and when she did make contact, he assured her that Aulph was doing well, she said. He stopped resisting a move only after she demanded to know the name of the judge in Aulph’s case, Kemper said. Her brother is now in a rehabilitation center in [Ann Arbor](#).

Siporin said he worked to return Aulph to Michigan, and was unaware of any Kemper query about the judge.

FINR's bills have also been paid by state governments and the [District of Columbia](#). They've sent patients to Wauchula as wards or when they qualify for state assistance.

Over the last four years, D.C. has recalled 21 patients from the facility. The pullout followed a 2008 investigation by the district's designated disabilities advocate that found FINR violated patients' human rights and D.C. policies by improperly secluding them in their rooms or using drugs as a form of restraint.

The company denied those allegations in a letter to the D.C. attorney general. It said patients weren't restricted to their rooms, only to their cabins.

In September 2010, the state of [Connecticut](#) placed Melinda Jakobowski, 24, in the company's care. Not brain injured, she had been abused as a child and was one of seven mentally ill or disabled patients the state had placed at Wauchula.

By February, Jakobowski was dead. Three resulting state-level inquiries in Florida and Connecticut raised questions about the quality of her care, injuries she received at FINR before her death, Florida's oversight of the company and the accuracy of her autopsy.

FINR used BARR on Jakobowski 29 times during her five-month stay -- compared to just five restraints in the prior five months in a hospital in her home state, according to a report last month by the Connecticut Fatality Review Board for Persons with Disabilities.

Jakobowski complained that staffers were hitting her and calling her names, the board said. She had a "busted lip" and "what appeared to be bruising under her left eye" about a month before she died, according to a sheriff's office report on a mistreatment allegation it had received. The officers concluded she had not been abused.

Although she had a history of self-harm, Jakobowski wasn't showing suicidal tendencies at the end of her stay in Connecticut, the fatality board said. She tried at least six times to harm herself between September and January at FINR, including attempts to hang herself with a phone cord and to wrap a t-shirt and a bedsheet around her neck.

The company's plan of care for her required two staff members to be watching her and within arm's length at all times, according to an investigation by Florida's Agency for Health Care Administration, or AHCA.

On Feb. 10, 2011, arriving morning shift employees found Jakobowski in her bed just after 8 a.m., not breathing, with her hair wrapped around her neck. She was later pronounced dead at a Tampa hospital.

One of the employees tasked with watching her was asleep on a couch, according to the Florida investigations. The other was awake, but not observing Jakobowski for at least 15 minutes, the

Florida Department of Children and Families determined. Both staffers were fired, the agency said.

A month before she died, Jakobowski told her caregivers it would be easy for her to quickly kill herself because overnight staffers slept, according to an internal FINR document cited by Connecticut investigators. “It will only take like 3 minutes and by the time they even know it, I’ll be dead and happy,” the report quoted her as saying.

The medical examiner in Tampa ruled her death “Sudden Ventricular Arrhythmia due to Schizophrenia.” The sheriff’s office closed its investigation based on that finding, saying Jakobowski died of natural causes.

The Connecticut report said there is no record of a schizophrenia diagnosis for Jakobowski. FINR records indicate she had bipolar disorder.

“There are obvious flaws in the investigations conducted by Florida agencies and there appear to be weaknesses in the system of oversight and monitoring of the FINR facility and its program,” the report said.

Mary Mainland, the Tampa medical examiner who conducted the autopsy, said she doesn’t remember how she determined Jakobowski was schizophrenic. “It doesn’t really change the essence of the diagnosis” because sudden cardiac death has been seen in other mental illnesses, she said.

Florida’s AHCA found no violations of its regulations and referred the case to the state Department of Health for further review. The health department was unaware of the referral for more than a year until Bloomberg News recently asked about it.

“We are working with AHCA to resolve this issue,” said Victor Johnson, director of the department’s unit that includes its Brain and Spinal Cord Injury Program. FINR’s license doesn’t allow it to treat mentally ill patients like Jakobowski who are not brain injured, said Thom DeLilla, the program’s chief.

Meanwhile, Connecticut’s Department of Mental Health & Addiction Services considers “FINR to be a safe and effective placement,” according to James Siemianowski, a spokesman for the agency. He said the treatment of patients is monitored monthly and that clients must agree to be placed there.

Allegations that FINR limits residents’ contact with the outside world have surfaced in court cases in which they sought to oust Siporin as their guardian so they could leave the facility.

In three such cases since 2010, patients were allegedly blocked from traveling to Michigan for hearings after the company or Siporin told the court they couldn’t be safely transported, or that it would require too many staff members.

When patient Gabrielle Weakley's lawyer called her at the facility days before the hearing in her case, FINR imposed a one-minute limit on their conversation, according to notes from company employees that are part of the court record.

The notes indicate that privacy and liberties were limited in other ways. A supervisor confiscated printouts of e-mails Weakley received from outside because Siporin didn't allow communication with the man who sent them, the FINR notes say. The man was a boyfriend who brought Weakley items she wasn't allowed, such as cameras and cellphones, according to Siporin, who prevailed in court.

The notes include detailed quotes from patient conversations with relatives, and discuss residents who were prohibited by the company from making and receiving phone calls. Several patients say they were blocked from sending mail from the FINR, and that emails were barred or limited.

"You have more freedom in prison and at least there you know when you are getting out," says Elmer Cerano, executive director of Michigan Protection and Advocacy Service Inc., that state's advocate for the disabled.

Michigan Protection represented Lori Johnson, a patient who wanted to remove Siporin as her guardian and leave Wauchula. She lost in court, where Siporin cited his years of experience with the brain-injured and said FINR was the best place for her.

Price, 24 years old and brain-injured since a bicycle accident at the age of eight, said he wanted to leave FINR after he was punched in the face and groin there in May 2009. Alopaeus, his sister and legal guardian, supported the move. Siporin, who was co-guardian, opposed it.

FINR's treatment of Price was "inhumane," said Alopaeus. Price had a "busted lip" and bruises that could have come from BARR restraints, according to a sheriff's deputy report dated May 8 of that year. Price had been trying to fight with staffers when they stopped him from leaving his cabin four days earlier, the report said.

FINR recorded his injuries in a "Body Sheet" diagram Alopaeus said the company gave her. Under "location of bruises, scrapes, scars, rashes etc.," the diagram notes blue discoloration around his left eye, one testicle larger than the other, and other discoloration on his arms and chest. The sheriff's office concluded there was no evidence of abuse, and said Price changed his story several times about which staffers were involved in the incident.

Price was taken down more than 20 times and confined to his cabin at FINR for weeks at a time, he said in an interview. Residents are kept in as part of "Therapeutic Cabin Based Programming," used to protect them from hurting themselves or others, the company has said.

Price had kind words for staff members who brought playing cards and music to his room. Others were malevolent, including one who allegedly placed a clipboard over his chest, punched him repeatedly, and told him the method would not leave bruises, Price said.

After one period of seclusion, he said he was allowed to go to Wal-Mart, where he bought the batteries and fish hooks that he later swallowed. Price also cut his belly and stuffed two of the batteries and eight hooks into the wound.

“I planned this” as a way to get out of FINR, Price said. “My plan wasn’t to die.”

It was a month before he recovered from the surgery to remove the objects. He never returned to FINR, and Siporin agreed to give up his guardianship. Price now lives in an apartment run by a different center in Florida, where he is monitored, but able to leave his apartment most days.

He said he goes on fishing trips, eats out, sees movies, and has never been taken down at his new home.

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