

## **State not allowed to investigate death at cancer center**

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When 80-year-old Virginia Cornelius died at a Rocky Mountain Cancer Care Centers' location in Lakewood on February 27, the on-site doctor insisted it must've been a heart attack.

But the adult children of Cornelius aren't convinced and tell the FOX31 Problem Solvers their efforts to find the truth have been stymied, partly because cancer centers generally aren't regulated by the Colorado Department of Public Health and Environment.

Cornelius was receiving radiation treatment for cancer of the larynx in her throat. But her daughter, Susan Hutt, says her mother's general health on February 27 was fine.

"They took her vital signs. They were better than mine," Hutt said.

She said she was later told by a radiation tech that her mother was having trouble swallowing just before the procedure began but the treatment was allowed to continue anyway, when something went very wrong inside the patient room.

"All the sudden the door flies open and a curtain and the therapist is screaming in the hall, somebody call 911, somebody find the doctor," remembered Hutt.

Hutt and her brother Gary Cornelius always sat in a waiting area next to the radiation room for all of their mother's treatments having no idea that during every procedure their mother's hands were strapped to a bed.

"We walk in and there is our mother on the table, hands restrained, the mask for radiation therapy with the oxygen that goes into it is up on a table, is hanging up above her. And there is no one in there. She is not responsive, but no one is doing CPR," said Hutt.

Hutt said it appeared the radiation tech ran out of the room without ever performing CPR.

"Minutes are passing before the tech returns with not a code cart, which I would expect as I'm a nurse in a hospital and they are readily available, but what looked like a fishing tackle box. She puts it on the floor and can't open it," Hutt said.

By the time paramedics arrived her mother was dead.

According to the 911 call obtained by the Problem Solvers, a dispatcher is heard advising paramedics, "They (Rocky Mountain Cancer Care Centers) are asking that you not walk through the main

lobby, they don't want that, they want you to go through the back door. I'm not sure why."

Hutt says she found that suspicious but what she said was even more concerning was learning the "Code Blue" panic button on the wall, which meant to summon emergency help, didn't work. Plus, the radiation tech who had been treating her mother left before the Jefferson County Coroner arrived.

"Extremely suspicious, that the person present that finds a person down is not able to be interviewed by the coroner," said Hutt.

The coroner's report listed the final cause of death as "Acute Heart Failure." But no autopsy was done.

Minutes after their mother's death and in a state of shock, Hutt and her brother Gary Cornelius said the cancer care center's on-site doctor convinced them no autopsy was needed. It's a decision they now regret.

Several weeks after their mother's death, Hutt and her brother were able to obtain their mother's radiation logs.

According to the logs shared with the Problem Solvers, Virginia Cornelius' treatments normally lasted three to four minutes. But on

the day of her death, the treatment appeared to have lasted ten minutes.

Hutt and her brother wonder if their mother received too much radiation at once, or worse was forgotten about and possibly left to choke to death, unable to sit up and remove her oxygen mask.

"A side effect of head and neck radiation is a mucus that is so thick you don't just clear your throat and get rid of it," said Hutt.

More than three hours after Virginia died, her radiation log shows someone made new entries at 6:03 p.m., 6:05 p.m., and 6:07 p.m.

Hutt and her brother wonder if someone was attempting to recreate their mother's chart after the fact. The siblings filed a complaint with the Colorado Department of Public Health and Environment but were shocked to learn the agency was powerless to investigate.

"We have no jurisdiction," confirmed Dr. Randy Kuykendall. He's the Director of Health Facilities and Emergency Medical Services for CDPHE.

Dr. Kuykendall says the state can investigate potential wrong-doing inside a hospital because CDPHE licenses hospitals. But he admits all 20 Rocky Mountain Cancer Centers in Colorado aren't licensed or accredited by anyone.

It's easy to be confused.

After all there's a sign outside St. Anthony's Hospital with an arrow that states "St. Anthony's Cancer Center," but it's really pointing to Rocky Mountain Cancer Centers which isn't owned or operated by the hospital even though they're physically connected.

Rocky Mountain Cancer Centers is owned by U.S. Oncology and leases space inside the medical complex but faces none of the regulations of an actual hospital, like having a cardiac crash cart on site or a defibrillator.

"So this cancer care center doesn't have to have a panic button, doesn't have to have any of these emergency procedures or policies in place?" asked investigative reporter Rob Low to Kuykendall, who responded, "That would be correct, Rob."

"We cannot allow these centers just to focus on profits over patient safety. Unfortunately, that's a real concern," said Hollynd Hoskins a medical malpractice attorney, who added, "If you have a facility that is not accredited and has no oversight by the state, they could be cutting corners and they could be hiring just techs at a cheaper wage rate than you would have to pay a qualified registered nurse and unfortunately that is a threat to patient safety."

The Problem Solvers had lots of questions for Rocky Mountain Cancer Centers but Executive Director Glenn Balasky would only release a statement, that reads in part, "For a number of reasons, we cannot discuss the care provided to any particular patient treated at Rocky

Mountain Cancer Centers. We can however assure you that patient care remains one of our highest priorities."

Hutt finds it curious that Rocky Mountain Cancer Centers won't discuss her mother's care with the Problem Solvers when she's willing to sign a consent form releasing RMCC from patient confidentiality restrictions.

"What's really hard for me, I picture my mother restrained on a table with no monitor, choking to death and they brush it off like she was 80 she had a heart attack. It's over and done. We'll report what we want to," said Hutt.

After repeated phone calls from FOX31, Rocky Mountain Cancer Centers had its attorney call Hutt and her brother Gary Cornelius.

The siblings told the Problem Solvers the attorney and an office manager for the cancer center told them safety changes have been made because of their mother's death.

As for regulating cancer centers, that would take state legislation and so far lawmakers have no appetite to regulate them.