

Family Sues Nursing Home in Man's Death

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By Andrew Clevenger

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CHARLESTON, W.Va. -- The family of a man who was hit and killed by a CSX train last month after he wandered off from a Kanawha City nursing home filed a wrongful-death lawsuit against the facility on Monday.

In a lawsuit filed in Kanawha Circuit Court, George W. King Sr.'s children, Sharon Milam and George W. King Jr., allege that Heartland of Charleston, a subsidiary of Health Care and Retirement Corp. of America, LLC, failed to properly monitor the 73-year-old former owner of Pineview Cemetery in Orgas.

King suffered from dementia and required daily assistance, according to the suit.

"George King Sr. could not care for himself or be allowed to walk outside the facility and the staff of the facility at Heartland of Charleston was aware of this fact," the suit reads.

Workers at the home reported King missing on Oct. 25. Police later found his body near the train tracks that run through Kanawha City.

The suit maintains that workers at the facility failed to follow the company's established protocols for missing residents. It also alleges that they failed to adequately supervise King.

"The staff of Heartland of Charleston failed to keep him secure in the facility, failed to immediately discover that he had left the facility, searched for him in the wrong area (because they confused him with a different person who had left the facility on a prior date), failed to use the exterior security cameras to identify the direction in which he left the facility and failed to utilize all available resources to locate him quickly [such as a search dog team]," the suit states.

A supervisor at Heartland of Charleston could not be reached on Monday.

The suit, filed by Charleston lawyer Harold Albertson, seeks unspecified compensatory and punitive damages. The case has been assigned to Judge Duke Bloom.

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