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Licenses for 2 charged nurses are targeted after suspicious deaths at nursing home

McHenry County prosecutors ask state to examine 2 former nurses

By Jeff Long

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Investigators have asked the state to examine whether the professional licenses should be suspended or revoked for two former nurses at a McHenry County nursing home charged with neglect after a string of suspicious deaths.

"We asked the state to begin looking at that," McHenry County State's Atty. Lou Bianchi said Monday.

Nurse Marty Himebaugh was fired from the Woodstock Residence several months ago, but director of nursing Penny Whitlock was not fired until after her arrest at the facility Friday, according to a lawyer for the facility.

A McHenry County grand jury indicted Himebaugh and Whitlock last week on criminal neglect and other charges. They were not accused of any of the six deaths authorities called suspicious during an 18-month investigation of possible morphine overdoses at the 115-bed facility.

Himebaugh was accused of administering excessive doses of morphine, and Whitlock was accused of failing to report Himebaugh's actions.

Himebaugh's lawyer called the accusations ridiculous. It was unclear Monday whether Whitlock has retained an attorney. She could not be reached for comment Monday. Both are free on bail.

A spokeswoman for the Illinois Department of Financial and Professional Regulation said it is not unusual for nurses to retain their licenses after a criminal indictment.

Although she declined to discuss Himebaugh's LPN license, or Whitlock's RN license, spokeswoman Susan Hofer said it is routine for professionals to retain those licenses while criminal charges are pending.

Bianchi said he does not think Himebaugh or Whitlock are working anywhere else as nurses. Although his office asked the Department of Financial and Professional Regulation to investigate, Bianchi said he has not requested that their licenses be revoked.

A new management company has run the nursing home since December and hopes to purchase it, said the facility's lawyer, Meyer Magence, who declined to name the company. On Monday, Magence backed away from the stance that nursing home officials have taken since the probe began—that there had been no wrongdoing at the facility.

"We don't know what happened," Magence said. "We did not know even the alleged involvement of the director of nursing."

The family of Virginia Cole, a former resident whose body was exhumed during the investigation, announced Monday plans to file a negligence lawsuit against Himebaugh, Whitlock, and WRHC & RC Inc., which Magence said owned and operated the home until December.

The Illinois Department of Public Health still lists the owner as WRHC and the estate of the late Robert Nataupsky, who headed the company. "According to the criminal indictment, the director of nursing was encouraging Himebaugh to act as an 'Angel of Death,'" said Steven Levin, lawyer for Cole's daughter, Vickie Lund.

Cole, 78, entered the Woodstock Residence in July 2006. On Sept. 6, she was taken to a hospital with symptoms that Levin said were consistent with morphine overdose. She died Sept. 10, 2006.

Himebaugh, an employee for five years until her suspension because of the investigation in 2006, is accused of endangering patients by giving them liquid morphine in doses greater than the amount prescribed or without a valid prescription, according to the indictment.

Levin said Monday that Cole had no prescription for morphine while a resident of the nursing home.

Frank Lund, the husband of Cole's daughter, said Monday his mother-in-law entered the Woodstock Residence at the onset of Alzheimer's. Lund described her as a talkative, joyful woman who enjoyed life.

"She was very active and talking to people," he said. "We felt that she was doing well."

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