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The Chimes at Seton Business Park (File)

Chimes faces wrongful death lawsuit

By: Heather Cobun Daily Record Legal Affairs Writer November 17, 2015

The family of a man who had the mental capacity of a 1-year-old has filed a wrongful death lawsuit against his care provider, alleging employees did not provide him proper supervision.

Mitchell Bruh, 44, was under the care of The Chimes Inc. in a transport van in June 2014 when he ingested a latex glove and choked, according to a complaint filed earlier this month in Baltimore City Circuit Court. He died days later of injuries due to asphyxiation.

Chimes received state funding to provide one-on-one supervision for Bruh in part because of his severe pica, which caused him to attempt to swallow anything near him, according to the complaint.

Bruh was allegedly left unattended in the van and the van’s driver found him unresponsive, according to the complaint. It was later discovered Bruh had choked while swallowing the glove.

“If you get funding for one-on-one supervision and you’re not giving one-on-one supervision, you’re defrauding someone,” said Peter C. Grenier, an attorney representing Bruh’s family in the wrongful death and survival action claims.

James S. Aist, a lawyer for the Baltimore-based nonprofit, said Tuesday afternoon he was unable to comment on the case. Aist is a partner at Anderson, Coe & King LLP in Baltimore.

The state Department of Health and Mental Hygiene conducted an investigation after Bruh’s death, according to the complaint, and concluded he “experienced ‘severe’ neglect in his care.”

Investigators noted ten counts of neglect in the report, including failure to provide one-on-one supervision as dictated in Bruh’s care plans, the van driver’s failure to provide emergency care and a lack of written procedures for supervision of individuals during transport, according to the complaint. Violations of sections of the Code of Maryland Regulations were also noted.

At least two Chimes employees, including the bus driver, were fired after the incident and a third was reprimanded, according to the complaint.

‘Beyond devastated’

Chimes’ records document Bruh’s pica disorder and the necessity for constant supervision, according to the complaint.

The documents state Bruh had “no alone time” and “seems to be able to zero in on small objects that are dropped on the floor which most people wouldn’t notice,” according to the complaint.

At annual evaluations for Bruh, his family would reiterate concerns for his safety, according to the complaint, including reminders that he be constantly supervised.

Records showed Bruh ingested a latex glove prior to the June incident but it was never reported to his family, according to the complaint.

The arm's-length supervision requirement was listed in Bruh's service funding plan as well as other procedures in place for his care, according to the complaint. Chimes received more than \$34,000 annually year for Bruh's care.

"If they had just been doing what the State of Maryland paid them to do, he'd still be alive," said Grenier, of the Grenier Law Group PLLC in Washington, D.C.

Bruh suffered from infantile spasms as a child, seizures that disrupted his early development and lead to his disability, according to the complaint. By the time he was 5 years old, his parents and two siblings were "completely consumed" with his care.

Eventually, Bruh was placed in a residential care facility in Pennsylvania then moved to a facility in Maryland after the family moved, according to the complaint.

"Everyone in his family loved him," Grenier said. "They would visit him often. He was kind of the light of their lives."

The family was "beyond devastated" by Bruh's death, Grenier said.

The case is *Brian M. Bruh, et al. v. The Chimes Inc.*, 24C15005583.

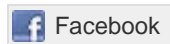
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