

TESTIMONY OF GLORIA CRUZ

Senate Special Committee on Aging Hearing "Residents At Risk? Weaknesses Persist in Nursing Home Complaint Investigation and Enforcement"

March 22, 1999

I would like to thank you for the opportunity to express my concerns over the lack of response and care by the Licensing & Certification Administration. I am here today in hopes that something can be done to stop nursing homes from the abuse and neglect they inflict upon the elderly and physically handicapped. Unless, and until, we can get the Licensing & Certification Administration to take these complaints seriously and act upon them, the tragedies that befall these residents, and ultimately, their families, will continue.

My complaint involves the gross negligence of the nursing home where my grandmother, the late Elsie Wagner, was residing prior to her death. I would like to begin by offering you some history of the relationship I had with Ms. Wagner. She was not only my maternal grandmother, she was my best friend. The kind of friend people can only dream about, but I was lucky enough to experience. "Granny" was there when I was born, and I subsequently spent the next 40 years with her. She lived with my family, so she was an important part of my childhood years. We were roommates for ten years, we worked side- by-side as cashiers at a theater, she was my matron of honor when I married; and I remained at her side, holding her hand, from 8:30 a.m. on October 15, 1998 until 2:00 a.m. October 16, 1998, just one hour prior to her death. I was her Power of Attorney and her legal guardian. During her stay at the nursing home, I visited her three times a week and called her daily. I did her laundry, I took care of her finances; and I took care of her general well- being, making sure she was treated properly while in the nursing home. And, to this day, I carry her close to my heart -- in a locket.

Given this, I will briefly explain the events which necessitated my complaint to the Licensing & Certification Administration.

My family and I moved to Millsboro, Delaware on September 19, 1998 with the intention of having my grandmother transferred to a nursing home just 1/2 mile from my new home. The paperwork had already been implemented, and we were awaiting approval for her transfer. On October 9, my parents drove up to Baltimore to transport my grandmother from Baltimore to Delaware. I would like to add that I had spoken with several staff members from the nursing home during the week of October 5, questioning her health and ability to be relocated to another facility. A member of our family had been visiting her and was concerned about her health; she seemed to be quite ill. When I questioned the staff (including the administrator), I was informed that she was indeed well enough to be transferred and was excited about it as well. Ms. Wagner was released just shortly after Noon on October 9 with a critically low sodium level, as well as a high white cell count. However, I was not informed of her critical health until AFTER she had left the facility. The nursing home received the lab report on the morning of October 8 yet chose to release her anyway on the following day! Please note that my parents questioned her health when they picked her up and were told she was just sleepy. In addition to not informing me of her critical situation, her physician was not notified either. A charge nurse called me after my parents had left with her to tell me she was "very, very sick" and they believed she had pneumonia. The physician was also called after her discharge and informed of her condition. My grandmother was immediately taken to a hospital upon her arrival at the Delaware nursing home as her sodium level had dropped from a critically low level of 114 to 93. One week later, on October 16, 1998, she passed away.

On the evening of October 19, 1998, I received a call from her physician. He spoke to me at length and indicated that had she been hospitalized immediately upon receipt of her lab findings, she would have

lived. My grandmother's death was due to the negligence of the nursing home. After speaking with the physician and hearing his assessment, I decided to report this to the Licensing & Certification Administration.

On October 24, 1998, I sent a letter to Ms. Mary Balintfy, Manager of Complaint Investigations of the Licensing & Certification Administration in Baltimore, Maryland. They never responded to my letter. So, on December 15, 1998, I sent a letter to the Patient Abuse Coordinator at the Office of the Attorney General, with a copy to Ms. Balintfy. I called the Attorney General's office the following week to follow up. The gentleman informed me that he had just, coincidentally, discussed the matter with Ms. Balintfy and suggested I phone her. I immediately called Ms. Balintfy. At first, she acted as though she could not recall the case. When I reminded her that she had just hung up with the Attorney General's office, she regained her memory. She informed me that they were quite busy as they receive about 80 complaints per month on nursing homes. She assured me that the case would be investigated and I would be notified of their findings.

On February 25, 1999, I again spoke with the physician. I had previously been contacted by a reporter who was interested in the story. He asked me if the physician would agree to be interviewed for television. I told him I would contact the physician. The doctor reiterated his belief that Ms. Wagner should not have been released with a critically low sodium level and that he was unaware of her lab report until after she had been discharged. He further stated that the administrator and charge nurse at the nursing home were "blatantly lying" to me concerning the incident. Again, he stated that she could have lived had she been hospitalized immediately. He was, however, skeptical about being interviewed on television. Nevertheless, he agreed to speak with the reporter. In addition, he suggested that I call Ms. Balintfy and inform her that the press was now involved.

On March 1, 1999, I phoned Ms. Balintfy. Once again, I had to initiate the call; I had still not received a response from the Administration. At this time, she repeated to me that they receive approximately 80 complaints per month. She added that they deal with the "live" residents before they deal with the "dead ones." I was appalled by this comment. I even stated to her that perhaps if they dealt with the complaints about those residents which had passed away due to neglect and/or abuse, the "live" ones may be saved. Once more, she assured me that the investigation was pending and I would be notified when it was completed. To date, I have not heard from them.

In closing, I would like to say that I am pursuing this because I don't want my grandmother's death to be in vain. I don't want another family to go through the pain and suffering we have endured because of the gross negligence of a nursing home and subsequently the lack of concern and care from the Licensing and Certification Administration. My parents are getting older; my Dad is 70 years old and suffers from emphysema and asbestosis. How can I conscientiously even consider placing him in a nursing home after what I've experienced?

I feel that by giving this testimony perhaps I can help save another family from the pain and suffering of losing a loved one. Thank you again for the opportunity to express my experience with both the nursing home and the Licensing and Certification Administration.