

STATEMENT OF BRUCE LOVE

Good morning, Mr. Chairman and Members of the Committee. I am Bruce Love, son of Helen Love, the woman you just saw in the film clip. I am here today to tell her story as told to me Thursday evening, July 30, 1998, at UC Davis Hospital Emergency Room while she was lying on a gurney awaiting treatment after being assaulted by an aide on Tuesday evening at Valley Skilled Nursing Home:

"I was in good spirits on Tuesday evening, watching TV. I had a bout of diarrhea and had the urge to go. I asked the attendant on duty for Imodium AD pills but got no response. When I leaked some diarrhea into my diaper, I called to be changed. It was sometime later when the attendant showed up and was quite upset that my diaper was dirty because he had changed me earlier in his shift. He called me names and was very rough and abusive in changing me. I told him to stop or I would yell for help. He said, "Here is something for you to yell about" and used an alcohol/water swab thru my vagina and my raw rectum. I was on fire and yelled for help. I tried to sit up and grabbed the right side rail of my bed. He punched me with his flat hand, covered my mouth to stop my scream, and chopped me in the back of the neck with his other hand. With his left hand he dug his fingernails into my wrist to break my grip on the side rail. With his right hand over my mouth and his left hand squeezing my right wrist, he pushed me down into my bed.

I heard a second aide come to the door to my room to see about the commotion. When she saw him choking me, I kicked my feet up to get her attention, but she just laughed and went away. Then I knew no one was going to help me. I could not resist his strength and weight and I couldn't breath with his forcing my head down onto my chest. My deep inner fear told me to stop resisting him or he would kill me. I was afraid of dying this way so I relaxed and went limp, playing dead. Finally he let up his grip and stopped pushing me down. I just lay there trying not to breath too loudly.

He finally walked toward the door. My roommate Shirley, who had remained quiet during the assault and watched through the curtain, spoke up and said, "I saw what you did to Helen so you will have to kill me too." My assailant left the room. After a time of silence, I called to Shirley, and she was overjoyed to hear my voice. She told me she thought I was dead. We stayed quiet all night in fear that he would be back. When daylight finally came, I thanked God that I was still alive, but I knew something was very wrong with my neck because it hurt terribly.

All my life I have feared being neglected in a nursing home, and now I know what it is like. I was so close to death and somehow survived that attack. I don't want anyone else to suffer like this. Please, Son, tell someone who can help."

I am here today to fulfill my mother's request.

After my father's death, my mother could no longer care for herself and came to live with me and my family, first in California and then in Nevada. When I moved back to a remote area of California, my mother moved to Sacramento to live with my brother and his family. In 1998,

she was at U.C. Davis Hospital for some health evaluations. She suffered a broken finger when the hospital bed she was in was negligently pushed against a steel doorframe. The hospital assumed responsibility and moved my mother to Valley Skilled Nursing Home for physical rehabilitation.

On Wednesday, July 29, 1998, I called the nursing home to speak with an RN to arrange for him to bring my mother to visit me. During this call, I was informed that my mother had been "roughed up a little bit." He informed me that one of the aides on the previous evening's shift had an altercation with my mother and had used physical force against her. He told me her sheets had been changed that morning because there were bloodstains on them. At that point, he was interrupted. When he came back on the phone he told me there was an individual there who wished to speak to me, at which time he handed the phone to someone else. I did not know who this person was and had to question him to find out that he was the Administrator of Valley Skilled Nursing Home. He told me that the problem was being taken care of and that the employee would no longer be tending my mother.

In addition, the Administrator told me that the Department of Health Services had been notified. He also told me that the Nursing Home's doctor would evaluate my mother for possible injuries and if any were found, she would be taken across the street to U.C. Davis Medical Center for treatment. This ended our conversation.

I was very upset so I immediately tried to telephone my brother Gary but could not reach him at work. Then I called a friend who was our local Deputy Sheriff. He advised me to call and speak with his Sergeant and also the local District Attorney's office. Both offices advised me to get my mother away from the Nursing Home and to a hospital as soon as possible. They also suggested that I have a family member transport my mother to insure that she was cared for in a humane and loving manner.

I finally was able to reach my brother at home around 4 p.m. He immediately went to the nursing home to see our mother and called me from there. He was very alarmed at our mother's condition. Her neck was very sore and painful. She had bruises on her chin and chest, and there were lacerations on her right wrist. She told Gary that she had been hit very hard on her chin and on the back of her neck. My brother telephoned our mother's personal physician, who recommended Gary take our mother to the hospital as soon as possible. Gary had to go home to get my mother's wheel chair, because he was not receiving any cooperation from the Nursing Home in moving her to the hospital. When he returned, my brother was told by the Nursing Home's evening shift supervisor, that he could not take mother out of the nursing home, at which time he called me for help. I spoke with the supervisor and informed him that we were indeed taking my mother to the hospital regardless of his protest. Ironically, we were informed by the Nursing Home official that it was not medically advisable to move our mother to the hospital. My brother had to use force against the protests of the Nursing Home to get our mother out of the Nursing Home and to the hospital. This took an additional hour. During this time, my brother called the Sacramento Police Department and explained what had happened. They sent an officer to Valley Skilled Nursing Home, and they also sent a photographer to the hospital to be there when my mother arrived.

After extensive evaluation at the hospital, it was determined that my mother had indeed suffered grave injuries to her neck - in fact, my mother's neck was broken. Vertebra 3, 4, and 5 were displaced, leaving my mother's head hanging to the side. She was unable to hold up her head. The hospital attempted emergency surgery. However, due to my mother's health condition, age, and sensitivity to anesthesia, she expired on the operating table and had to be revived. The only remaining treatment for the injury was the installation of a "halo," which had to be screwed into my mother's skull with metal bolts and rigidly attached to her upper torso. In addition, a soft cast had to be applied to her right arm where the offender had grasped her wrist so hard that it was cracked. My mother lived with great pain and severe restriction of movement for the rest of her life (less than 60 days). She died on September 24, 1998, two days after the deposition you just saw on video tape and after she requested the removal of the "halo" due to the severe pain it caused her.

Prior to my mother's death the offender pleaded "not guilty" to the charge of assault and elder abuse. After my mother's death he immediately changed his plea to "guilty" of "elder abuse" in order to avoid manslaughter charges, spending only one year in the Sacramento County Jail. As for Valley Skilled Nursing Home that hired this individual to care for the elderly, they failed to perform an adequate background check before hiring this person. After investigation, my attorney learned that he had been dismissed from two prior nursing home positions for aggressive behavior toward residents. The Nursing Home also failed to recognize the extent of my mother's injuries and to take her to the hospital immediately. If my brother and I hadn't stepped in and intervened, my mother might never have received any medical attention for a broken neck and a broken wrist after being assaulted by this employee. Moreover, this man might still be caring for the elderly today.

Since the focus of this hearing is also about the response of law enforcement and other agencies to complaints of physical and sexual abuse in nursing homes, I would like to share my experiences in this regard. We got no assistance from social services agencies that we contacted. The Ombudsman had no authority to do any more than conduct a cursory investigation and write up his observations. There was a state agency surveyor in the building when my mother's neck was broken who could have investigated the matter on the spot, but no one reported it to her. The prosecutors did their best to prosecute the assailant but had much information supplied by our attorney. Finally, the judge seemed unsure throughout the trial about what to do with nursing aides who abuse the elderly. With prompting from the attorneys, the assailant's license was revoked and he was ordered not to have any contact with the elderly in future work. However, in spite of his actions that contributed to my mother's death, he only spent 6 months in a county jail for "elder abuse."

There are no words to describe how devastating this experience has been to me and to my family. We entrusted my mother's care to institutions that failed us in every respect. My only hope is that somehow by telling my mother's story today I can prevent this from happening to anyone else's mother in the future. I urge this Committee to take actions to ensure that our senior citizens are protected from abuse. Thank you for inviting me here today.