

STATEMENT OF BARBARA BECKER

SPECIAL COMMITTEE ON AGING

March 4, 2002

Mr. Chairman, Members of the Committee, I am Barbara Becker from Indiana. Thank you for allowing me to represent my mother-in-law, 83-year-old Helen Becker Straukamp, homicide victim.

According to the facility, Helen had been "injured"; the hospital was informed that she suffered a "fall", but an employee later told us of the assault. An eyewitness reported that Helen was picked up by her arms from a standing position, lifted off the floor and slammed into a wall and handrail, falling to the floor unconscious.

Helen was never even able to stand again and died 22 days later. The coroner ruled her death a homicide.

I discovered on my own in Louisville that the perpetrator of this assault was a male mental patient with a decades-long, violent history which included 4 shootings, SWAT teams, prison time, etc. None of this was mentioned in the investigations.

I found documents signed by the nursing home showing that they knew of his history. After the assault on Helen, this resident was soon given his usual access to the entire population of the facility. He threatened to castrate a wheelchair-bound resident while a surveyor was in the facility. He attempted to assault yet another elderly female resident, and the administration of the facility did nothing. I notified a detective and the prosecutor. A judge issued an order for involuntary removal to a psychiatric unit where he had to be placed in total lockdown and charged with involuntary manslaughter, pending a competency hearing.

My experiences with regulatory agencies, law enforcement, etc., are as follows:

Due to my dogged determination for accountability, I contacted elected representatives including the Governor, the state and U.S. attorneys, HCFA, HHS, and the GAO. Four investigations resulted in 42 pages covering six years of previously 'undiscovered' violations from the date of this man's admission. No immediate jeopardy level was imposed due to Helen's death. HCFA overrode the state's flat fine and imposed a \$1,000/day fine, but the scope and severity level was unchanged. Still out of compliance on a revisit, the CMP continued and total fines amounted to \$60,800; by not appealing, they were granted an automatic 35% federal discount to \$39,520, regardless of the homicide. To this day, the facility's record on the CMS website appears very favorable. The entire experience with the state regulatory agency was adversarial from the first meeting. There was absolutely no doubt who was being protected, and it wasn't the residents. In my first meeting with a IDOH official, I was personally told "well, this wasn't like a beating"; the former assistant commissioner refused to discuss the case with me.

Law enforcement investigated, but only the perpetrator.

I contacted Adult Protective Services three times, only to be told that they don't handle nursing home cases. They are barred from investigating nursing home cases without orders from the DOH; DOH rarely uses this resource.

I contacted the Peer Review Organization, Health Care Excel and received only a letter and brochure, declining to even investigate.

The Medicaid Fraud Unit completed a very thorough investigation and validated every piece of evidence I had provided. I pushed the completed case through the AG's office (who took no action) and on to my local prosecutors. They declined to investigate or prosecute. There has yet to be any justice for a homicide.

All I hear from the industry are labels of "isolated incidents", which must by now number in the hundreds of thousands; "frivolous lawsuits", no matter how horrific the case; I hear whining for "more money", "less regulation" and what I refer to as tort 'DE-form'. The 'system' leaves no alternative for victims.

I could have provided reams of evidence today, until I realized that countless victims and family members like me have stood here before you, evidence in hand. Countless Congressional Reports, GAO Reports and studies have been presented to Congress for years. The evidence is already in....those with the power to stop these atrocities know exactly what is happening. You have seen thousands of certificates of unnatural deaths, thousands of pictures of the bodies of victims of our 'system'.

At least 15 of the 25 largest nursing home chains have been accused, found guilty or have admitted to Medicare fraud of multimillions of taxpayer dollars. To my knowledge, not one owner/operator has gone to prison. They are not even required to pay back all the defrauded funds.

Negligent homicide and elder abuse within my home or the community, is treated as criminal; not so inside a nursing home. It's a regulatory offense with no criminal accountability.

I am from a long line of patriots and veterans from W.W.I through Desert Storm. Yet veterans referred to as the "Greatest Generation" are enduring these same nursing home atrocities and treated as those least deserving of our country's respect. Yet there is considerable concern for the Afghan detainees in Cuba, and it's a felony to euthanize a mockingbird here in Washington.

Helen's homicide was included in Congressman Waxman's Report to Congress July 30, 2001, on reported abuse in one-third of our nursing homes and has received nationwide media

attention.

It's long past time to restore the Civil and Constitutional Rights of nursing home residents.

Thousands are waiting to hear the results of today's hearings.

When will we have justice?

With all due respect, what will I be able to tell everyone across the country when I return home?