

July 31, 2020

My name is Mary Beth Delarm. I am the biological daughter of my mother who resided in two nursing homes over the last 5 years in Rensselaer County NY. What I attest to was personally witnessed in that period of time to be the truth, the whole truth and nothing but the truth. I am testifying based on experiences I had with the care of my mother who was in a nursing home during the COVID pandemic.

This is the story of my mother's last 5 years of life in brief in nursing homes which were horribly failing long before the pandemic occurred. (See Fed. & State Special Focus and Special Focus Candidate list)

The failing home and NY State Health Dept, and authorities which neglected to enforce her care resulted in her death. I found out five days after her passing from the newspaper that she was dead. It was tragic.

Before my story I would like to say I have several photographs I would like to share and submit of her poor treatment. these are attached below. They compare to the 2nd set of photos of what she looked like when she went into the nursing home and how she was in months prior to her death & COVID.

I also attest at the bottom of this letter that the state couldn't possibly have the correct number of Covid related deaths or infections because my mom was never tested. I know other friends whose family passed and they too were not tested. Of course the increased accurate numbers, would not reflect well on the state nor the nursing home. Why they were not revealed or even tested is highly questionable and requires external investigation.

MY STORY:

I visited my mom consistently several times a month for 4-5 hrs at a time over 5 years prior to COVID.

Near the end of my mom's 2nd yr. in the 1st home—Evergreen Commons, a nurse phoned me they planned to continually administer morphine to my mom until she was dead two days later, (simply to relieve her pain from a cough that was prevalent through the entire floor's unit). My mom had always been mobile, using a walker until the last 2 weeks prior to that call when I saw her wheelchaired. I requested she be rushed to Albany Med Hospital where doctors opined "she had been starved and dehydrated—according to her tests — not just for days, but multiple weeks". The hospital physicians didn't think she would survive.

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The last 3 yrs of my mom's life, she resided in a 2nd facility—Diamond Hill Nursing home, renamed during the pandemic to Collar City Nursing Home. Though I called and the home had my emails and phone no., staff failed to communicate with me during the entire pandemic, never telling me her condition, nor did they inform me when she died.

I felt the nursing home administrator retaliated against me because I informed him I was taking my serious complaints to the NYSDOH & Attorney General because he failed to address Deficiencies. Such issues of my concern directly adversely and significantly affected my mother's life and those of other nursing home patients. In response to my stating to him I would contact state authorities on my mom's neglect and abuse concerns, the administrator shrugged his shoulders and replied "go ahead, you can go to the legislators, and your Congressman too; I don't care." I either wrote and called each of my lawmakers, DOH, AG, Governor Cuomo, and Congress many times. Each failed to respond or act. So the neglect, abuse and filth in the facility and on my mom, went without notice or correction.

One Attorney General Representative did share on the phone that because the neglect and abuse which I described was so life-threatening, I would need to start bringing guests with me as witnesses. Otherwise they said it would be the nursing home's word against mine if the nursing Home was brought up on charges. And it would take months or years to bring a formal complaint. It Was discouraging. The AG rep said "numbers win". At a loss since top state leaders would not respond, I did start bringing guest witnesses with me. Herein, I describe just a few mortifying incidents of when visiting my mom by myself or with another guest or two.

Upon our arrival one day —stepping off the public elevator into the common area, we were ten feet from my mom, as we saw her struggling to eat with face in a dish lapping up food with her tongue. I felt It was humiliating to her as a human being to be treated as a pig. My heart broke. As we walked up to her, I noticed once again staff failed to provide utensils let alone feeding assistance, as none were around. My accompanying guest to this day tells me that vision of my mom being treated as a farm animal forever is embedded in his mind.

On several other occasions prior to that my mom was constantly left alone dining. Upon visiting I had to search various areas of the building looking for her because employees knew where she was. More often than not, I found her in an isolated area alone with her face in her food dripping into her hair and neck. This is for a patient who was supposed to be watched closely for aspirating, particularly when eating.

I visited on a cold winter's day January 2020 again with a guest. When we walked into the dining room, I saw my mom was left alone, in a wheelchair, with no food. She was donned only in a thin hospital gown with open bare back and naked legs up to her waist, undergarments showing between her bare legs, socks as always hanging 6+ inches off her toes so she either could not move in her wheelchair, or trip if she tried. But it was still only two witnesses against all the nursing home staff.

When I complained, the administrator asked me and my guest to leave. I was never allowed back although I reported to state authorities what happened. They never acted on correcting a formal complaint nor was the facility ever held accountable though clearly violating nursing home residents rights. I visited my mother for years and then suddenly not allowed to see or communicate with her and be denied any updates on her well being, speaks for how broken the state & nursing home system is.

My friend and I could not believe such retaliation simply for reporting staff's repeated neglect and abuse. Allowing a human being to suffer in isolation, especially one with Alzheimer's who cannot care for themselves, is reprehensible and should be held accountable. I have been a member of the Alzheimer's Association for several years and have learned that isolation for dementia patients where social interaction is vital should never be permissible. State authorities not enforcing or correcting these deficiencies in nursing homes is permission to perpetuate abuse and quicker deaths. It is a license for a free pass to a nursing resident's demise.

Most times I would see my mother and other Alzheimer's patients left alone without any encouragement to participate in the activities. It was one last wheelchair to push for employees. Facilities with Alzheimer's patients need 1 staff attendant to 6 residents at all times. And I encouraged our lawmakers to require designated dementia units with same ratio staff per resident in any facility where an Alzheimer's patient is admitted.

With no physical oversight from state agencies is appalling. These are not only loved parents, siblings, and friends but human beings placed in the facility for a purpose— good care. Someday it will be all of us.

Which brings me to another point. Many of the stories that I have heard from family members and nursing home residents are without choice in where their loved one is placed. The system needs to be changed from the hospital admission moving forward. All the stories are the same. Most decent nursing homes are filled or have a waiting list when it comes time for requiring admission. Like my mom, first they didn't expect she would survive. But within 24 hours of them requiring us to remove her my family had to make a choice during a couple of her last day where she would be placed. Obviously we wouldn't return her to a place where they plan to euthanize her. And there was only the option of Diamond Hill nursing home which we had never even heard of before. That's because it had changed names so many times to veer away, A marketing play I heard commonly used to distract shoppers from the stigma of significant abuse in substandard facilities. The owners change the facility name and shift failing staff from one poorly run nursing home to another. And nothing changes.

I have witnessed numerous neglect and abuse from my mom's nursing residencies from finding several wounds on her that were clearly not from falls. This included in the first facility worse of unexplained numbers. In Diamond Hill it was worse — —bruises 6 inches long, blood dripping from her face, arms and legs, teeth missing (guessing from no dental care,) crud under her finger and toe nails rarely trimmed, all threatening infection. Whenever I inquired about where the injuries came from or what happened to her, no one knew. Not her nurse, her CNA, no one. I photographed more so in her last year of life. It was incredible that any person could be treated like that. Apparently that was the norm.

I got a clear vision of what was coming my mom's way 2 years before she passed. The pattern was this: The patient resident, as my mom, moves from the bottom floor to the upper floor

with age and neglect. then from the outside bed toward the hall door, to the inside where they were left even more in mobile and unable to reach the toilet. Many residents explained to me they felt they lost a limb from atrophy, lack of therapy and being wheelchair bound . I could see many others died from neglect.

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I would see staff fail to assist residents who required help eating in my mother's same dining rooms. After a half an hour or so the CNA would return to the dining area where they left the resident patient, remove them from their table without being fed, and taken right to their room and put in bed. As I visited 4-5 hours most occasions, residents moved to their beds were left there until the next meal. Then it was the same thing all over again. It was much easier for staff to ignore care for bed-bound patients.

The emotional harm of isolation and immobility alone is well known to lead to a quick decline in health. Instead I am hoping new laws will be implemented to improve quality care. With proper staff, enforcing health laws and requiring a 6:1 ratio for patient:CNAs or nurse instead of 20 or 40:1 as many failing homes practice, would lead to improved geriatric care and quality of life.

It was defeating for any resident left in filth, immobilized from broken wheelchairs, lacking or unfitted garments, lack of food or therapy and intentional neglect for any family member to complain about patient treatment. Some nursing home residents and their family members told me they were afraid to speak up for proper treatment to administration. And they further explained did not know how to do so with NYS authorities. Many family's Who did contemplate contacting NYSDOH told me they were frightened about even giving their name.

I was told initially one could be anonymous on the tip line, but when I called the health department they led me to believe otherwise. The Health Dept. said there's more credibility with a name. So that is concerning for further retaliation from the home to threaten a patient's care.

One of many retaliation concerns I heard was from a man who told me he complained about lack of care from a nurse, and he requested a new nurse. He got a new nurse two weeks later. That was after two weeks of being frequently left in bed in his own excrement for hours, missing meals because no staff assisted him to the bathroom.

Which brings me to When I requested care for my mother who needed to be changed out of filthy clothes. Her aide was conveniently either unavailable, going on break or said that it would be a few hours after she attended to the 12 patients in front of her. Such responses were reported by me to the director of nursing, but nothing improved. Instead the nursing staff exacerbated the neglect of my mom and other residents who complained.

Upon another visit I witnessed a staff member taking my mother into the bathroom in the hall, locking her in there because my mother couldn't get off the toilet. A doctor walked by five minutes later and I explain to him my mother was in the bathroom locked in. This type of employee behavior cannot be permitted.

It's important to note one last but not least heart wrenching incident. Upon another visit prior to the pandemic, when I didn't see my mom sitting with others in the common area, I went to her room and opened the door slowly. This was because a staff member said she might be

resting in her room. The curtain was not drawn and the CNA's back was to my mom. The CNA was facing the sink as she rinsed out a washcloth. My mom saw me, sat up in bed, (oddly enough like nothing was wrong with her). But when the nurse heard her move, turned around and yelled at my mom "I told you, you lay your ass down". My mother quickly laid flat like a dog upon command with the fear of God in her eyes, as if she failed to oblige, she'd be punished. Once again, I went right to the Director of Nursing who did nothing. And the administrator who also usually ignored serious incidents, was unavailable.

Although there have been many horrible things I've seen from my mother and toward other patient nursing home residents in Diamond Hill, it was this horrific treatment and what was going on behind closed doors literally for years that needs immediate Correction.

And hence why I call upon external investigations and to why the department of health, Attorney General and lawmakers are not enforcing laws or proposing new statutes that would protect patients health, dignity and their rights.

There were Several other treatments and inappropriate staff actions of severe neglect—Too many to mention here.

Several months prior to that, in 2019, I complained my mother was losing too much weight. The dietitian explained "it's only 50 pounds (in less than a year), and she needed to lose weight anyway because she was too heavy". I responded "not to skin and bones". In the last year of her life, she was supposed to be assisted with feeding. I never witnessed staff assisting her during meal times.

Instead on a rare occasion my mom was provided a plate. Most of the food missed the plate when they bothered to provide her utensils. There were always several items on the meal ticket which were not even on the plate. And at the end of the meal when I was present, the attendant marked the ticket off that mom ate and drank everything, even beverages. When the truth was most times there wasn't hardly any food provided and rarely beverages of any kind. This was more prevalent after they switched the dining director from a gentleman who had worked there successfully a number of years to a woman they pulled from another failing sister facility in Guilderland.

I always had to request liquids the last 2 years my mom was a resident. Most times staff told me they were out of water, milk and juice, thickened for her proper consistency. So she went without. I couldn't believe what I was hearing. The last time I saw my mom, she drank 5 cups of liquid in less than 10 minutes because she was severely dehydrated. Other residents said it's probably because we never see her get drinks. and she couldn't communicate herself. Complaints I made for years on poor quality patient care prior to and during Covid were continually overlooked by the NYSDOH & Attorney general.

From an already substandard nursing home which was once NorthWoods, then Diamond Hill and now Collar City Nursing Home, it would be good if our state implemented proper time to allow a family to choose a decent facility or close this down so it's not considered a choice. 2 weeks at best and homes similar to Peregrine or less expensive private facilities should be

allowed to accept Medicaid and Medicare monies if care is significantly better. Other wise poor treatment in failing nursing homes will only trickle down into poor employee performance and continue adversely affecting our nursing home population need change.

When exiting a hospital, Family is put on the spot to make a traumatic lifetime decision of their loved ones. Future Care. Our healthcare system hurries them through this process and denies them adequate and equal choices for residency of their loved one because of the selective payment from such private facilities. To be forced to choose any facility that has an 'opening' who a family knows nothing about or has no time to research, is unacceptable. Further it is permission for our state to allow our seniors to be forced into the worst homes who continue operating with extreme suffering and maltreatment to our most vulnerable population.

To be denied communication or updates on my mom's health and her final months of life is compelling. I suggest to the state that families that had visitation rights prior to Covid, need to be allowed updates or video calls with their loved ones so they can continue to engage in their loved ones care during a pandemic. Communication is necessary so these behind closed doors operations do not continue without an eye on patient treatment and lonely isolated elders are not left feeling abandoned.

As you know, Facilities with problems prior to Covid did not do well during Covid. More enforcement is needed especially with substandard facilities such as my mom's which has long been on the special focus Medicare "endangered list". If the Department of Health and NYS are not going to act and do their job these facilities must be close. We cannot continue to sacrifice our fragile elderly loved ones live for the sake of operating a facility that fails to provide even below average care.

I feel sharing staff from one Nursing Home to another definitely spread disease. I discovered from reading in the news another nurse from Diamond Hill Nursing Home. was asked to keep quiet the numerous infected patients. She refused and was fired. I was keeping apprised through another employee on digital media that she was initially disgusted with the treatment of patients until she got a sudden promotion during Covid. For an institution that struggles getting a simple position filled for years needs more investigation as to why there seems to be some unethical request at the risk of residents lives.

As questionable is why New York State is not demanding an external investigation on why any family member experiencing serious issues with a nursing home patient would be denied assistance from the department of health or Attorney General. For our state leaders to turn their backs from protecting citizens from neglect, abuse And death, is alarm for reform from the top lawmakers down to the individual employee.

Major news stories appeared on Diamond Hill and other failing homes disgusting conditions and poor patient care pre-Existing and ongoing Covid. As the nursing home failed to communicate with me on my mom's condition throughout Covid, I watched fatalities rise on

the news, gleaming if my mom could be one affected. Five days after the fact I learned from the newspaper my mother had died. It was tragic.

Not only was I not informed of her death but That my mom was cremated within 24 hrs without being tested for Covid is astonishing. The failure to obtain actual numbers of Covid cases without testing patients and instead labeling death certificates as 'natural causes' is unacceptable. An external investigation should be done as to why State would accept this, as they've excepted so much of the abhorrent Mal treatment to patients.

Covid related infections and death numbers noted by Nys from any hospital or nursing home or health assisted facility are obviously higher. Much higher. I'm hearing from authorities they're thinking close to 20,000. please do the investigation properly so that you can protect our citizens and not just the inadequate nursing home administrations and owners who get away with the same old broken ways.

Excuses of miss management from former employees or financial difficulties is no reason for patient neglect and abuse when they receive over \$13,000 a year much from our taxpayers hard earned money It's unconscionable that taxpayers Medicaid & Medicare funds contribute to operating these decade long failing facilities, and the State fails to hold them accountable. All at the sake of our vulnerable elder frail population. Such disregard for human life is a travesty. I hope the experiences I described with my mother's nursing home care motivates you to enact new laws and enforce those currently, so these types of tragedies don't happen again to some other family.

Mary Beth Delarm