

## WITNESS TESTIMONY

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My mother, Betty J. Chisholm age 94, has been a resident at The Gardens of St. Francis (Formerly the Little Sisters of the Poor) Skilled Nursing Facility since she entered into the Independent Apartments well over 10 years ago.

In January of 2019, Betty was transitioned into the Skilled Nursing Room on the 2<sup>nd</sup> Floor St. Joseph Wing of the facility, where she resided until her death on April 12, 2020.

From a historic perspective, ownership of the facility changed hands effective February 1, 2019 when Catholic Health initiatives (aka CHI) assumed ownership and management of the entire facility.

Over the course of many years, Betty suffered many losses in her life. She lost her husband (my father) when he was 47 years old, on Father's Day 1970, my older brother in 1983 at the age of 36, and my sister in 2008 at the age of 60.

As Betty's son and only surviving immediate family member, I was her Power of Attorney, Health care decision maker and was the one and only person she looked to for advice and reassurance when it came to her health, safety and well-being. I am also a longstanding healthcare professional (I'm a Registered Nurse and practiced in a Mid-Level Provider role in Orthopedics for well over 35 years).

As the Coronavirus pandemic unfolded in 2020, it came to a point as we all know, where it was deemed necessary to order the closure of business, schools and other entities in order to try to stem the tide of infections and attempt to manage the ever-increasing numbers of individuals being exposed and infected. Deaths began to accumulate at an alarming rate worldwide.

In the very early part of March 2020, The Gardens of St. Francis Locked their facility down to visitors/families. No one was allowed in and those residents on the 2<sup>nd</sup> floor were not permitted to come down to the main level of the building for any reason. I was effectively cut off from any visitation and could only rely on telephone communication with my mother. Invariably, we would call and talk with each other 3-4 times a day.

On Sunday March 29, I received a phone call from the RN on duty informing me that she felt my mother was not "acting right", that she was found to be sitting in her chair staring off into space on a few occasions. I did in fact have a couple conversations with

her that day and nothing seemed out of the ordinary. We spoke again on the phone Monday March 30.

Early in the morning on Tuesday March 31, I received a phone call from the RN on duty that mom “had fallen ill with a 103+-degree fever and severe coughing. Suspicious of the symptoms being described, it took ME to call her family physician and collaboratively make the decision to have her taken to the emergency room at Mercy St. Charles Hospital. Due to the overwhelming numbers of admissions and the utter chaos that hospitals were being bombarded with, it took me over two days before I could even talk with a nurse. I was told on that Thursday April 2, that she was in fact tested for Covid-19 in the ER and subsequently tested POSITIVE for the virus. Additionally, mom underwent a CT scan of her lungs and head and the Radiology report came back with a description of the lungs that was classic for Covid-19 (“ground glass infiltrate”). She was admitted to the ICU.

One Wed. April 8, mom was transitioned out of ICU to their dedicated “COVID” unit. On Thursday April 9, I had the painful discussion with her Pulmonologist about final wishes and options. I had determined that Hospice was the most appropriate course of action given the gravity of her condition. In working with the Social Worker for placement options, I learned that The Gardens of St. Francis had refused to take my mother back until she had tested Negative for the virus twice over a 24 hr. period and was also to be afebrile.

Were it not for the ProMedica Ebeid Hospice Center, we would have been at a loss as to where mom could safely go.

Mom died at the stroke of Midnight on Easter morning. It is my understanding she was the first Resident of The Gardens of St. Francis to die from the virus.

To this very day, I have heard nothing from The Gardens of St. Francis’ Administration. Not a “How’s your mom doing?” when she was in the hospital or so much as a condolence when she died. I can tell you if the Sisters still owned and managed that facility, things would have been dramatically different.

The last insult came when I learned that the facility would not be reporting mom’s death because she died a few days BEFORE the mandate to report was issued.

My opposition to this Bill is this:

- Let me say here that I support the efforts of all our health care providers (individuals) who rushed into harm’s way to help the sick and dying through this terrible ordeal and they should, rightly, be protected from any civil actions taken against them.
- I DO NOT SUPPORT, AND STAUNCHLY OPPOSE, the inclusion of Nursing Homes, Assisted Living and other Long-Term Care organizations in this bill for relief from said civil liability.

We as family members, entrust the care, health, safety and well-being to these organizations and when we, as collaborative members in their care and decision-making are LOCKED OUT and stripped of our ability to monitor our loved ones' environment, and quality of care, the Facility assumes COMPLETE AND TOTAL ACCOUNTABILITY.

If my mother developed her severe symptoms on 3/31 and given that the Virus could have upwards of a 14-day incubation, then Mom would have been infected sometime around the middle of the month, well after the "lockdown" occurred.

- I want, no, I deserve, to know how my mother contracted the virus during an active lockdown.
- I have been hearing very disturbing comments from current, and former, employees, about a profound lack or even an absence of proper process and protocols during this ordeal. Even mom would tell me that employees rarely wore PPE when entering/exiting here room.

Once individuals and/or corporations make the decision to go into the business of caring for the elderly and our most vulnerable, it should go absolutely without saying that they, of all people, have no excuse for NOT being prepared for mass injury or illness breakouts, even more than acute care hospitals need to be prepared. Unlike hospitals where they care for multiple illnesses and conditions/injuries and are a basically in-and-out service operation It is the Long-Term Care industry's sole purpose for being in business.

At a time when we are all hearing more and more about how the "ball has been dropped" by so many of these facilities, to even suggest that a measure be introduced to absolve them from liability for the gross mis-handling of our most entrusted family members, our elderly is disgraceful. All this talk of "Protecting our most vulnerable", will be wasted and all those precious lives that were lost will have meant nothing, just like my non-reported mother's death. She deserves so much more than that.

If you want Long Term health Care to get better, shielding them from being accountable to those whose lives have been entrusted to their care is NOT the way.

These facilities, and the industry as a whole, need to be totally revamped so that moving forward, the Public can begin to restore some level of confidence that their family members will be properly cared for with the level of quality they so deserve.

Please do not include these facilities in this Bill. This whole mess should be looked into and dealt with as a separate set of issues.