

Written Testimony of Michael L. Miller, 6128 Darby Lane, Columbus, Ohio 43229

My mother, Barbara Miller, had a double knee replacement surgery on February 10, 2020 in Knox Community Hospital in Mount Vernon, Ohio. The surgery seemed to go well, and she transferred to Country Court Skilled Nursing Facility in Mount Vernon, Ohio for therapy and rehabilitation. Her plan was to rehab there for several weeks to get back on her feet, then return to her condominium in Lexington, Ohio and go on with her life. She was 80 years old in February 2020.

Things went well in rehab. She was impressive, getting on her feet again with a walker in two weeks. She began experiencing severe pain in the end of February, but was assured that was normal. She insisted on being checked and an x-ray revealed no issues so she continued with the physical therapy per the doctor's orders. She progressed further despite the pain until Tuesday, March 3, 2020. That was her 81st birthday. During a physical therapy session, her right femur shattered. She was rushed to Knox Community Hospital where her orthopedic surgeon attempted to reconstruct her right leg. She was ordered to be non-weight bearing for at least 10 weeks for recovery at Country Court.

This, of course, was devastating to her. The early hope of a speedy recovery and return to normal life was gone. She had several other health concerns besides terrible knees. In caring for her husband, my father, in his declining years, she had sacrificed her own good health by not going to the doctor to see to her own care. This went on for years, a very common story for many caregivers. He passed away in June 2019. When she began to pursue taking care of herself, she found out that she had far more things wrong than she suspected. She had congestive heart failure, poor kidney function, high blood pressure, and osteoporosis, among other things. The last thing she needed was to be non-weight bearing and bed bound when she should be up learning to walk again. Her musculature and bone structure would atrophy and her ability to ever walk again would be in serious doubt.

I can't claim that things were good for her, but her spirits were not as bad as I expected. The physical therapists kept her busy with what little they could. I was up there with her through all of this. I spent time with her nearly every day, and others helped out. Then the governor cut off access on March 12th. I could not go into the facility at all because of the Covid 19 lockdown. I did not see her for months and months. Unable to care for herself and in need of skilled nursing, she was trapped.

Someone in her state should not be locked up with no friends or family allowed in to see her. I spoke to her by phone nearly every day, but that does not replace personal visits. She gave up to a large extent. Following the governor's order, even the minimal amount of therapy she was able to have stopped as physical therapists were not going into the nursing homes in many locations, including Country Court, a fact my wife was given in one of her numerous calls. The nursing staff was overwhelmed and were unable to work with her in any meaningful way. She felt alone, isolated, even abandoned. I know she spent a lot of time on her phone with many people, but that wasn't satisfying. She was locked up in a small, dim room with no company.

The worst problem was having no advocate for her in this predicament. She had no one to check up on this facility to make sure she was being treated well, and that doctor's instructions were being carried out. I have a strong suspicion, based on Medicare insurance records that I obtained, that fraud was being perpetrated by Country Court regarding physical therapy that she was supposedly receiving. Mom was of sound mind, but she was despondent quite often and was not sure if she was getting therapy or not, and didn't much care. I could not see things for myself as I was forbidden for months and months from entering the facility.

I periodically phoned the doctor and administrator at Country Court, but seldom could reach them. They would not return phone messages, unless they thought we owed them money. They ran at Mom on several occasions, badgering her about paying them this fee or that. She got very upset about that, on top of everything else she was going through. They browbeat her into writing them checks on a couple of occasions. An employee there whom I was able to talk to on the phone, a nurse, agreed to collect her checkbook and wallet and place them in a bag in the vestibule at the front door of the building so I could pick them up. That stopped them from intimidating her; she couldn't write a check. They had to deal with me.

I don't believe she was ever abused there, but she was neglected. They couldn't keep staffed up much of the time. She was ignored quite a bit. She survived the ordeal, just barely. She did not get better until we moved her out of there in June 2021, just about the time the lockdowns were lifted.

The only time I was physically in her presence during all of those months was in December 2020. She contracted pneumonia and was transferred to Knox Community Hospital again for a few days. I was also allowed to be with her at Avita Hospital in Mansfield when she had to undergo two corrective procedures as the first reconstruction had failed. She had one surgery to remove all of the plates, pins and screws with time to heal, and two weeks later, a successful reconstruction with another new knee replacement. During these procedures, I was able to sit with her in the hospital as an advocate. That ended every time she was returned to Country Court nursing home. I came to believe that if we did not get her out of that skilled nursing home, she would soon die. She improved dramatically after she was moved to Columbus and could be with family and friends again. After a short time in care where we were able to follow up in person, she became well enough to return to her own condo and lived independently there until her death in July 2023.

In closing, I wish to state emphatically that EVERY PERSON in a hospital or nursing home care NEEDS AN ADVOCATE! Without such a person, many could be neglected or their care could be sub-par as they themselves may not be in the best shape to advocate for their own care. Barring family from this critical role was at best poor judgment on the part of Ohio's governor. This decision likely led to great harm and death of many people that never would have occurred had family been allowed to "check up" on their loved ones in person.