

Statement of Alison Lolley
Select Subcommittee on the Coronavirus Crisis
Briefing on “The Devastating Impact of the Coronavirus in
America’s Nursing Homes”
June 11, 2020

My name is Alison Lolley and I am the daughter of Cheryl Fink Lolley. My mother died on April 29th after contracting COVID-19 in The Oaks nursing home in Monroe, Louisiana. We had just celebrated her 81st birthday.

I am grateful for the invitation to share my family’s story here today, and it is my sincere hope that it will assist you as you execute on the charge to have robust oversight of the federal resources expended in response to the COVID-19 crisis.

Your power for ensuring efficient and equitable allocation of trillions of dollars of taxpayer funds comes with great responsibility. Nursing home care for our most vulnerable and treasured loved ones needs to be addressed quickly, and the necessary reform needs deliberate consideration – and action.

It is apparent that the current system has failed, and we have lost an estimated 40,000 Americans living in the country’s 15,000-plus nursing homes, assisted living and other long-term care facilities. Over five hundred nursing home staff members have also lost their lives.

I am committed to doing my part as a person who has been radically impacted by this failure. My desire today is to share my family’s facts so that others may feel compelled to share their own stories; and, hopefully those that were on the front lines of these homes will share the truth about what happened so that those in charge can correct this grave tragedy.

My mother was a native of Monroe, Louisiana, but had spent the last decade and a half in Texas, the last eight years in a nursing home due to her declining health. My brother and I grew up in Monroe, but each relocated in our early twenties: My brother to Shreveport and I to Dallas. In 2018, my father, who spent his entire life in Monroe, passed away leaving my brother and me with responsibilities requiring that we spend more time in Monroe. In late 2019, we decided that it was an opportune time to bring Mama back to Monroe so that we could have daily oversight of her care and spend quality time with her.

Mama was admitted to The Oaks Nursing Home on December 31st of 2019. We were already comfortable with The Oaks, after my father stayed in the facility for several weeks in 2018 while recovering from surgery and radiation treatment. Also, The Oaks is only a five-minute walk from our family home. This allowed us to truly oversee Mama’s daily care and visit her frequently. Mama was in a wheelchair, but

her mind was sharp as a tack. She also entered the facility perfectly able to advocate for herself and solicit our help when she needed an extra voice.

The only concern we had was heavy staff turnover as she was admitted – first the administrator, then the director of nursing and a social worker. This created tremendous anxiety for our family, so much so that we reached out to The Oaks’ owner for help in navigating an untenable communication and administrative process. It was a harbinger of problems to come.

By the end of January Mama was settled as she started to adjust to a new “home”, although she was on the rehabilitation wing, awaiting a move to her permanent room. She had regular visits from friends she had not seen in years, reconnected with loved ones, and had consistent care from both of her children and her niece. We did her laundry two times a week and provided her with as many comforts as possible so to make this adjustment steady during this late-in-life change. Moving a senior citizen who has been in long-term care in the same home for over eight years is tough.

On March 5th, I received a letter from The Oaks via regular U.S. Mail and signed by the director of operations, who was filling in while management worked to recruit a new administrator. The letter acknowledged presumed COVID-19 concerns among family members and shared the steps they were implementing to help reduce the potential for the virus to enter their building.

At some point before March 11th, another letter arrived. This letter included the following language in bold-face and underlined:

At this time, we request that family and friends do not visit the facility. Out of an abundance of caution, we are restricting visitors from our facility unless it is absolutely necessary. We are posting signs on our entryway doors to notify visitors of this policy and actively screening individuals, including staff, who need to come into the building.

This letter went on to reinforce that the facility was following the recommendations of the CDC on preventative steps, and that they were in close contact with the local and state health department, and following their guidance.

On or about the same date, The Oaks posted a sign on the front door restricting visitation. It referenced out-of-state travel and visitors who were exhibiting any symptoms of possible illness. At the same time, Mama’s permanent room in the facility was made available, so she was moved to a new room, on a new wing, on March 11th.

At this point my heart just sank. All of the work we had done to move her “home”, to create a situation where we had the best shot at providing her daily care and quality time, was now eradicated by this horrific pandemic that was already showing its impact on nursing facilities around the country.

My family made the tough and very conscious decision to follow all of the The Oaks' suggestions. We were to visit from outside the facility, behind an air-conditioning unit in a wet, mushy area, while trying to see her clearly through the dense window screen, all the while trying to compose ourselves and exhibit stability for Mama. Still, daily visits took place. I was able to do her laundry some days; other days I was told I couldn't.

I began to see vacillating practices by the staff and facility, and Mama began to look disheveled. She would gently complain that "things didn't seem right," and on more than one occasion, she shared that she "was not fed a meal all day." One night, I had to call the director of operations at home and tell her that Mama had not been fed. The director of operations investigated it, confirmed it, and personally went to Sonic to buy her a sandwich.

On the early morning of Friday, April 17th, I went to the mailbox and found a letter from The Oaks dated April 13th and signed by the director of operations. The letter read as follows:

Dear Family Member and Employee,

Today, we have been notified that an employee has tested positive for COVID 19.

This employee is currently seeking the appropriate treatment. Please join us in praying for a speedy recovery.

Be assured that all precautions are continuing to be taken to protect residents and staff from the spread of this virus. If you have questions regarding your loved one, we have set aside the specific hours of 10am – 2:00pm Monday through Friday to have your questions answered. Please call the facility at 318-387-5300 and ask for Sarah Russell, RN, Director of Nurses or Diane Anders, RN, ICP.

After I composed myself, I made my first call to the facility at 10 a.m., as directed. I was transferred to the RN's voicemail. That process went on until around 2p.m. When I never heard back, I texted the director of operations. I was told the RN had been slammed with non-stop calls and that they were doing their best to return calls as quickly as possible.

I began asking questions:

- 1- What was the job of the COVID-19-infected employee, and what interaction did he or she have with my mother? The answer was that the employee was a nurse who saw my mother one time and that it "may have been" when the employee had the active virus.

- 2- Were there any other cases in The Oaks? I was met with a long pause and then told that four residents had tested positive, BUT they were not on my mother's wing, nor had the infected nurse worked that wing.
- 3- What was the procedure and policy around removing my mother from The Oaks, if we wanted to make that move? Without hesitation, I was told that I could come and pick her up at any time. I then asked what the readmittance policy would be and was told that we would have to start completely over.

Then, unsolicited, the director told me that while she could not guarantee anything, she felt confident that they were "past it." There had been a period without any additional infections and she personally had evaluated the entire situation and "just knew" that they had been able to contain it.

At that point, my brother and I had a decision to make, and it was a difficult one. I have lupus, and my brother had restrictions due to his work. I had room to isolate Mama in our family home, but who would take care of her? And then there was the impact of another change on Mama. She had already grown weaker due to increasing health challenges.

We decided to keep Mama in The Oaks as long as there were no additional cases. The director of operations agreed to respond to my text messages twice daily with an update on cases. From the morning of April 18th at 7:29a.m. until the evening of April 20th, I texted twice a day, and each time I received the answer that there were no new cases.

On April 21st, feeling confident that The Oaks likely had rounded the corner and that the virus had been contained, I waited until 1:35p.m. to send my first text. No reply. I texted again at 3:19p.m and asked if everything was OK, specifically if they were still clear of new cases. Remember that all other times, I had quickly received an all clear. This time, I got a text that said: *"I'm ok. Unbelievably busy. Residents are good."* I asked again about new cases. Her reply was: *'I know you are concerned, and I can appreciate that. The best way to help me work effectively is by limiting calls and texts. I assure you that you will be notified of any changes. Our residents and staff deserve my full attention, and I will continue to answer the call when your mom needs assistance with her care.'* I simply replied: *'With you! I will'.*

Throughout this harrowing experience, I spoke with every resource I had within The Oaks facility about communication. The residents' families needed consistent, factual information to help them make decisions in real-time. I even made suggestions as to how I had managed difficult situations within my work, and that communication would actually ease the call load from the 50-plus families who had loved ones in the facility. Each time, I was met with little to no interest and no commitment to transparency.

Our family continued to watch Mama deteriorate. She complained of lack of care, and attention, and respect, and "manhandling" from people in her room whom she

didn't recognize. During one visit to her window on April 19th, I found Mama unclothed, unkempt, and confused. I reported these issues each and every time and received boilerplate explanations or promises to handle it "immediately."

On April 23rd at approximately 2pm I received a call, unsolicited, from The Oaks. It was the first time they had reached out to me since April 17th. I was terrified of what I was about to hear. On the phone was a nurse, who told me that my mother was being transferred to the hospital. The nurse said her condition had deteriorated since she last saw her. Mama's O2-sat rate was dropping; she didn't look good and was confused.

Mama was transferred to St. Francis Medical Center. She was treated in the ER for several hours and then moved to the COVID ICU unit while staff awaited test results to confirm that Mama, in fact, had COVID-19. Mama died in the St. Francis ICU on April 29th at 5:05 pm. She was alone. We were alone.

On Saturday, May 2nd we buried Mama. Our immediate family drove in from Texas and Louisiana, some family members had to Zoom in due to restrictions at the cemetery, and we said goodbye while maintaining social distancing. Yet another devastating experience in the midst of tragedy -- tragedy for our family and so many others.

In closing, let me acknowledge that I have kept myself well abreast of the data and statistics, and there is no need for me to spend time on this today other than to acknowledge that I understand the factors that led to the impact of the coronavirus on nursing homes. Regardless, there was plenty of time to prepare. The first cluster was documented in Seattle in early March, and on March 29th, the *Dallas Morning News* reported clusters of coronavirus in Dallas assisted living centers. But in Monroe, I could not get any hard facts on nursing home cases, nor could I get any level of comfort regarding a plan. I called a local representative and asked when mandatory testing in nursing homes would start. There was no plan at that time.

When I learned that my mother was being transferred to St. Francis, I made two calls. The first was to a friend who could help me establish contact within St. Francis, and the next was to the local television station. I shared my story with KNOE that day. AARP found it and reached out to learn more. They pointed me to the local and state ombudsmen, where I shared my story so that other families could make decisions for their loved ones.

The fact is: We were robbed. Mama was trapped in a petri dish, and we were looking in from an exterior window unable to do a thing. We were shut out. Mama died alone, and my family will forever be scarred by this tragedy.

The Oaks is a for-profit business that was not prepared to handle this crisis due to excessive turnover in staff and a lack of established disaster protocols. They lacked a communication plan that allowed families to make informed decisions. I believe

they panicked and withheld information from families intentionally so as to protect their own interests.

I implore you all to continue your due diligence. Evaluate best practices like we see in Florida. Find the caregivers within nursing homes who can tell you what really happened inside when they witnessed, first-hand, the care for our most-vulnerable and treasured loved-ones.

Reform this industry, properly fund this industry, and do it quickly! Please don't allow my mother die in vain.

Thank you,

Alison Lolley

<https://www.kilpatrickfuneralhomes.com/obituary/cheryl-fink-lolley/>