

March 15, 2023

Dear Senator Latz and Representative Feist:

I am submitting my written testimony today in support of HF1019/SF997, allowing claims of injury and death to survive the death of the decedent.

My grandmother currently resides at a long-term care facility in a memory care unit. She was diagnosed with Alzheimer's disease in 2019 and the difficult decision was made by her children to move her into this facility in 2020. Due to the pandemic, on-site visits were not allowed at any long-term care facility. Our family had to rely on video visits and the promises of Sales teams over phone calls to determine where my grandmother should be moved to. Our hope was that this facility would be well equipped to provide the best possible care to my grandmother as she suffers through this horrible disease.

Once she was moved into this facility, it was quickly suspected that the staff was not following my grandmother's care plan and she was being neglected. Family members would visit my grandmother and notice that she was dirty and unbathed. They were told that the facility was short staffed and didn't have the manpower to bathe her that day, even though she was overdue to be bathed. Unfortunately, this was not an isolated incident and it has occurred numerous times. Basic hygiene activities like brushing her teeth or washing her face before bed time have been skipped. My grandmother needs assistance with eating, as she has lost some of her fine motor skills due to Alzheimers. Family has noted that during their visits, my grandmother's food was not cut into the appropriate size to mitigate choking hazards, and no one on staff was assisting her with eating her meals and snacks. Because of this, she often is left to go hungry. In May of 2022, nursing staff noticed that my grandmother was having trouble swallowing her pills and suggested that they begin administering her medication in a crushed up form in applesauce - the same instruction that was provided to them by her doctor in December 2021. For over five months, doctor's orders were overlooked and ignored by their nursing staff, and my grandmother was put at risk of choking several times a day while being administered her medication incorrectly.

With mounting concerns surrounding her care, a camera was placed in my grandmother's room with both her permission and the permission of the facility. After this placement, it was discovered that not only was my grandmother being neglected, but she was also being physically abused. There was a four day period in which the same staff member was assisting my grandmother with toileting during the night. Every

interaction this staff person had with her was physically rough and completely inappropriate for how you would handle a 5 foot tall, 120 pound frail and elderly woman. On other occasions, during night time assistance with toileting, staff was captured roughly transferring my grandmother into her bed and repositioning her by grabbing her by the neck. On numerous other occasions, my grandmother was left in her bed after soiling her clothing and sheets while safety checks and toileting breaks were ignored by staff. It is unsettling to think of what other abuse my grandmother has suffered prior to the camera being in place in her room.

When asked about the incidents that were caught on camera, my grandmother got very scared and didn't want it brought up with her other children or staff. Over the past several months, my grandmother's condition has rapidly declined. She has become nonverbal and can no longer walk. She is confined to a wheelchair. She is very hesitant to have any staff member assist her with toileting, eating, transferring to/from her wheelchair. She has become extremely guarded and it is apparent that she is afraid of the staff that was hired to provide her with quality care. Her pain and suffering has been physical, emotional, mental, and has greatly contributed to her decline in health. She is now currently on hospice.

The abuse and neglect she has gone through at the hands of the individuals hired to provide her with care is unacceptable. When my grandmother's facility was notified of our claims, they completely ignored and did not respond to offers to resolve. There is no justice for my grandmother under the current law. There is no incentive to resolve these claims when they simply go away upon the death of the individual bringing the claims. Having worked in law, specifically litigation, for over 10 years, I am well aware of the lengthy process of litigation. Discovery, mediation, motion practice, and trial preparations can take years. These organizations have time on their side and can simply wait out claims in the hopes that the individual seeking justice does not survive. My grandmother is almost 75 years old. She has Alzheimer's disease. She has limited time left. It is likely that she will pass away before she sees justice for the horrible things she has gone through. Her long-term care facility will get to wash their hands of her suffering and continue their poor care practices. There is zero accountability.

Not only has this caused pain and suffering for my grandmother, but it has been hugely felt by her children and grandchildren. Knowing that my grandmother is being treated in such deplorable ways is sickening and has caused a great deal of stress and emotional hardship for her family. To know that our chance at getting justice for her could be gone if she were to pass away is completely incomprehensible. Meanwhile, we will all have to live the rest of our lives with the knowledge that my grandmother was treated in such

an inhumane manner and it is likely that others at her facility are suffering the same fate.

I strongly urge your support of HF1019/SF997. It is beyond overdue for Minnesota to join the rest of the states in their recognition of the pain and suffering many individuals have gone through, and to allow their claims to survive the death of the individual. It is time to hold these facilities and organizations accountable. It is time to protect our growing elderly population. They deserve to be supported and protected by our legal system.

Thank you,

Brittney Lafontaine

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