



U.S. SENATE COMMITTEE ON

Finance

SENATOR CHUCK GRASSLEY, OF IOWA - CHAIRMAN

<http://finance.senate.gov>

For Immediate Release

Thursday, September 22, 2005

Grassley receives reply from Inspector General regarding nursing home deaths

WASHINGTON -- Sen. Chuck Grassley has received a response from the Inspector General for the Department of Health and Human Services to his letter of last week asking for an investigation of the nursing home deaths at St. Rita's Nursing Home due to Hurricane Katrina.

The Inspector General said that the office is taking "very seriously all allegations" it receives concerning these issues and that it is "assisting the Louisiana Attorney General's Office under the theory that false claims were submitted to the Medicaid program for care that was not given" in the specific matter of the 34 deaths in St. Rita's nursing home.

The Inspector General's response is attached in a pdf file. The text of Grassley's request, which was also made of the Department of Justice and the Government Accountability Office, follows here.

For Immediate Release

Wednesday, Sept. 14, 2005

Grassley Requests Federal Investigations of Nursing Home Deaths Due to Hurricane Katrina

WASHINGTON - Sen. Chuck Grassley today asked the U.S. Department of Justice, the Department of Health and Human Services Inspector General, and the Government Accountability Office to conduct thorough investigations of the deaths of nursing home residents in the Gulf Coast states.

Grassley's letter comes on the heels of charges against the owners of St. Rita's Nursing Home in St. Bernard Parish with 34 counts of negligent homicide. In one of the letters, he wrote, "There are no excuses for those who neglected and abused our most vulnerable and frail-whether in a nursing home, hospital or another long-term care facility. Any individual that did not fulfill his or her duty of care should be pursued to the fullest extent of the law and any health care facility that failed its patients should have all appropriate legal and administrative actions initiated against it."

Here are copies of Grassley's letters.

September 14, 2005

The Honorable Alberto Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20535

The Honorable Daniel R. Levinson
Inspector General
Department of Health and Human Services
Office of Inspector General
330 Independence Avenue, SW
Washington, DC 20201

Dear Attorney General Gonzales and Inspector General Levinson:

Since 1997, I have focused considerable attention on improving the quality of care in our Nation's nursing homes, which provide care for approximately 1.7 million elderly and disabled residents in over 17,000 nursing homes. As former chairman of the Special Committee on Aging, and as current chairman of the Committee on Finance (Committee), I have held numerous hearings over the years to address the quality of care in nursing homes. In recent weeks, we have all witnessed unspeakable tragedies on the Gulf Coast. None are more heart wrenching than the abandonment of nursing home residents in the midst of the evacuation from hurricane Katrina; the abuse and neglect visited upon the most vulnerable among us is shameful. The utter disrespect for the life and dignity of the frail and elderly is nearly incomprehensible.

Yesterday, as you know, the Louisiana Attorney General charged the owners of St. Rita's Nursing Home in St. Bernard Parish with 34 counts of negligent homicide. Unfortunately, this shameful event does not appear to be an isolated occurrence. Media reports suggest that residents at two other New Orleans nursing homes—eight residents at Bethany Home and approximately 20 residents at Lafon Nursing Home—also died because they were not evacuated. With more than ninety elder care (i.e., nursing home, retirement community, continuing care community or Alzheimer's Care) facilities within 50 miles of New Orleans, the extent of the criminality related to neglect and abuse is unknown. Undoubtedly, the vast majority of nursing homes fulfilled their duty of care and for that I am grateful. However, every instance of abuse and neglect in a nursing home should be closely examined and the death of any nursing home resident should be fully investigated.

As chairman of the Committee, I request that the Department of Justice and the Office of Inspector General, Department of Health and Human Services, conduct a thorough investigation of the deaths of nursing home residents in the Gulf Coast states, including but not limited to the 34 deaths of residents at St. Rita's nursing home. There are no excuses for those who neglected and abused our most vulnerable and frail—whether in a nursing home, hospital or another long-term care facility. Any individual that did not fulfill his/her duty of care should be pursued to the fullest extent of the law and any health care facility that failed its patients should have all appropriate legal and administrative actions initiated against it.

Additional media reports state that in some instances hospital patients were not appropriately cared for either. Apparently, some helicopters available to evacuate victims of

Hurricane Katrina took precious time to "rescue" hospital medical equipment rather than focusing exclusively on the human lives. No matter what the cost, I fail to see the logic in placing a machine ahead of any human life. The unnecessary loss of life in hospitals across the Gulf Coast also must be thoroughly investigated.

Finally, as chairman of the Committee, I request that your offices keep the Committee apprised of your review and investigation of the aforementioned matters. At the earliest opportunity, I would appreciate receiving a briefing from your respective offices. We must ensure that this nightmare NEVER occurs again.

Thank you in advance for having your staff coordinate with my staff about these matters no later than close of business on September 21, 2004.

Sincerely,

Charles E. Grassley,
Chairman

September 14, 2005

The Honorable David M. Walker
Comptroller General
United States Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Walker:

The Senate Finance Committee (Committee) is extremely concerned about nursing homes, emergency preparedness, and natural disasters in light of Hurricane Katrina. Yesterday, the Attorney General charged the owners of St. Rita's Nursing Home in St. Bernard Parish with 34 counts of negligent homicide. Unfortunately, this shameful event does not appear to be an isolated occurrence.

With more than ninety elder care (i.e., nursing home, retirement community, continuing care community or Alzheimer's Care) facilities within 50 miles of New Orleans, the full extent of criminality related to neglect and abuse is unknown. Likewise, the full extent of heroic efforts by nursing home staff and administrators is unknown, and certainly not receiving equal attention.

Nonetheless, attention must be given to what we know. There are reports that residents at two other New Orleans nursing homes-eight residents at Bethany Home and approximately 20 residents at Lafon Nursing Home-also died because they were not evacuated. In addition, there are reports of patients that were euthanized to avoid a more gruesome death. Undoubtedly, the vast majority of nursing homes fulfilled their duty of care and for that I am grateful. However, every instance of abuse and neglect in a nursing home should be closely examined and the death of any nursing home resident should be fully investigated. As chairman of the Committee, I have requested that the Attorney General and the Inspector General conduct a thorough investigation

of the deaths of nursing home residents in the Gulf Coast states, including but not limited to the 34 deaths of residents at St. Rita's nursing home. (Attached)

In the midst of all this, according to several sources, the Veteran's Administration (VA) successfully evacuated its most critically ill residents, including patients dependent upon ventilators.

In contrast, there are numerous media reports of elderly men and women in non-VA sites who were left in beds and wheelchairs to fend for themselves. As the Gulf Coast mends its wounds, our Federal government must: 1) identify what went wrong and what went right; 2) define short-term and long-term solutions; and 3) implement the appropriate safeguards and best practices to prevent future tragedies.

As chairman of the Committee, I request that the Government Accountability Office (GAO) conduct a full review of the failures and successes of Gulf Coast nursing homes in Hurricane Katrina. The GAO's review should focus on nursing homes, emergency preparedness, and natural disasters. For example, among other considerations, please evaluate how nursing homes and other long-term care facilities (i.e., retirement community, continuing care community or Alzheimer's Care) differed in responding to Hurricane Katrina, as well as other historical natural disasters. More specifically:

1) Were long-term care facilities prepared to evacuate patients across State lines?

2) Were policies and procedures in place to evacuate residents?

3) Was care jeopardized in transporting patients?
and;

4) What mechanisms are currently in place for loved ones to find displaced residents?
I look forward considering the GAO's work on these critical issues. We must ensure that situations like this are NEVER repeated again.

Sincerely,

Charles E. Grassley
Chairman