

United States Senate  
Special Committee on Aging  
Washington, DC 20510-6400

October 27, 2011

Honorable Chairman and members of the committee:

I respectfully submit to you the following statement with hope you can take action and strengthen the laws to protect our senior citizens living in Assisted Living Facilities.

My mother, Aurora Navas, was 85 years old when she accidentally died due to negligence at an assisted living facility in Miami, Florida. She was a hard working woman who always put her family first. Along with being a hard worker, she had a strong fear of water. She was terrified of pools, beaches, rivers and any body of water. Later in life she also grew afraid of darkness.

After she became ill with the terrible disease, Alzheimer, she was placed in an assisted living facility in Miami, Florida, where my sister lived and could visit her on a regular basis. I lived in Tampa at the time and my brother in Northwest Florida (Pan Handle).

The first time I visited my mother at the facility I wanted to be sure of a few things. I wanted to make sure she was being attended to properly, I was looking at the cleanliness of the facility, and especially how the staff treated its residents. Upon entering the facility I noticed a camera that was located above the kitchen entrance and was able to capture most of the facility's interior movement. The camera covered the main entrance, the hallway into the bedrooms, the kitchen, the living room, and the television area. I noticed a safety fence which prohibited the residents from entering the kitchen area. At a glance, I noticed that the doors were not locked. When I inquired about this, the staff told me that this was policy due to the local fire codes and that the double handles on the doors served as a safety feature since one handle turned in one direction and the other turned opposite. Near the end of my visit I walked towards the back of the property and noticed that the property was lakefront. The facility had a chain link fence surrounding it with multiple gates, which the staff told me it prevented the residents from going out. Finally, I noticed that the property next door had a dog that barked at anyone who got close the fence which added a little sense of security.

Unfortunately, on Sunday, January 27<sup>th</sup> 2008, in the very early hours of the morning, I received a disturbing phone call that changed my life forever. My sister had awoken me in a panic telling me there had been a terrible accident at the facility and that our beloved mother had passed away. Still in shock, I did not want to believe her and thought I must have been having a nightmare. I quickly rushed to the facility to see for myself and was immediately shocked by the presence of Police and crime scene tape. It was at this moment where my nightmare became reality.

I remember that cold Sunday morning very clearly, it was a terribly humid and cold night to the extent we were wearing heavy jackets and had to sit in the car with the heater on. Once the police had completed removing my mother's body and preliminary investigation was completed, we were approached by the detective and he took us into the entry way sitting area of the facility. He explained he was the lead detective on the case and proceeded to inform us of what he had found. He indicated mom had walked out of the facility and that she had drowned in the lake. He also told us the gate to the kitchen was open, one of mom's slippers was found in the kitchen and the other by the lake. The side door alarm had not been set properly; apparently the person on duty had fallen asleep and did not hear anything. The gates to the lake did not have locks to secure them. He indicated there was clear negligence because this could have been prevented.

The officer also indicated the investigation would continue until all facts, autopsy and police reports were completed and we could call him if we had any questions. He proceeded to ask us for our contact information and gave us his business card. He expressed his condolences and told us we could leave since there was nothing else we could do.

As it turned out we were never contacted by anyone to tell us what was concluded as a result of the investigation. We had to hire a lawyer and through him we managed to get copies of the reports.

In reading the reports, it only raised more questions and contradictions which have never been answered:

My mother was always cold and she would never walk around without her slippers;  
One of her slippers was found in the kitchen the other by the lake.

She was extremely scared of the water to the point she would not go to the beach and get in the water.

Yet she walked out of the facility on a very cold night and drowned in the lake.

She would not go outside on such a cold damp and dark night without a coat;

Yet she was only wearing a night gown when they found her.

She needed assistance to go up or down steps or getting into vehicles;

Yet she managed to walk down the steps on the side of the facility, which had no railings, and avoided falling.

Why were no scratches or bruises found anywhere on her body?

Why was the first call made to the owner of the facility when attendant found she was missing instead of 911?

Why was no dirty water found in her lungs but clean water in her stomach?

She was found in sixteen inches (16”) of water according to the police dive team report.

Why was the camera not functioning?

Why were the written statements to the police all written in English? The staff on duty did not speak English.

Why was this operator allowed to continue operating after numerous violations without being fined?

Where is AHCA?

Where is law enforcement and prosecution? After all, these are deaths caused by negligence.

The one agency (AHCA) responsible for the oversight of these facilities was and is nowhere in sight. To my knowledge, they never even looked into my mother's death. I have received more information from the Miami Herald investigative team than from any government agency. Where is the connectivity between all the different agencies? How does the police notify States Attorney's office when deaths occur due to negligence, how is AHCA linked in?. From my perspective there is a clear disconnect which needs to be corrected as soon as possible. AHCA needs to rigorously enforce the laws governing ALFs and if they can't do it then we need to look at other ways to get it done, perhaps even incorporating AHCA into an existing agency.

If the laws are not strong enough then we are dependent on our legislatures to pass stronger laws which are enforceable so that our seniors are protected from these careless operators. If these operators continue to go unpunished it will only get worse as these unscrupulous people get reach on the backs of our seniors and tax payers.

I was appalled to learn the law only requires the operators of these facilities to carry an insurance policy of twenty five thousand dollars (\$25,000) yet small contractors are required to carry two hundred and fifty thousand (\$250,000) at a minimum. How absurd can this be? An Air Conditioning contractor has to carry a much larger policy than an ALF operator that deal with people's lives everyday.

I commend the Miami Herald's investigative team for their outstanding investigation and reporting bringing to light the abuse and neglect of our seniors in ALFs.

I would also like to thank this honorable committee for taking steps to preventing these terrible tragedies from occurring in the future and which most likely are occurring in every State where ALFs are operating.

Respectfully submitted,  
Alfredo M Navas