

In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
PATRICIA BERNAERTS**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

PATRICIA BERNAERTS, being duly sworn, attests as follows:

1. I am the mother of C.B., a former resident of Fulton Commons Care Center, Inc. ("Fulton Commons"), a nursing home located at 60 Merrick Avenue, East Meadow, New York 11554.
2. I am 77 years old and currently reside in East Meadow, New York.
3. I am employed as a cashier at Home Depot and as a school bus driver assistant.
4. I submit this Affidavit in connection with the New York State Attorney General's investigation into the Fulton Commons and set forth below my experiences and observations while caring for and speaking with my son, C.B., who was a resident of Fulton Commons for approximately five days in February 2021.
5. My son was born in 1969, and he lives in Hempstead, New York. He has had this apartment for about four to five years. He previously served on active duty in the United States Navy during the Gulf War Conflict.
6. In late January or early February 2021, my son was diagnosed with elevated carbon dioxide ("CO2") levels. He was also diagnosed with sleep apnea some time ago.

PB

7. In early 2021, my son was admitted to Mercy Hospital in Rockville Centre, New York due to elevated CO2 levels. My son required the use of a Bi-Pap machine to breathe correctly and prevent excessive CO2 levels from developing in his body. I was told by a doctor that CO2 replaces oxygen in the body, and that if the CO2 levels got too high, it would affect my son's brain and heart, and could cause his death.

8. In February 2021, my son was transferred from Mercy Hospital to Fulton Commons. When my son was admitted to Fulton Commons, he was able to speak, and I was able to communicate with him.

9. I was concerned about my son when he was first admitted to Fulton Commons and wanted to speak with the head nurse and the doctor to make sure he was on the Bi-Pap machine. I could not speak to the doctor at that time but got very concerned during his admission when the nurse told me that she did not see any note from the hospital that he was supposed to be on a Bi-Pap machine.

10. I then immediately called the doctor at Mercy Hospital, who I was able to speak to the next day after several calls. The Mercy Hospital doctor told me that my son's need for a Bi-Pap machine was stated in her notes and that she would call Fulton Commons to make sure they knew my son needed the Bi-Pap machine.

11. I was unable to visit my son in person at Fulton Commons during the brief period he was there because of the COVID-19 lockdowns. The only time I was at Fulton Commons was to pick up his clothes after his discharge.

12. Fulton Commons didn't put my son on the Bi-Pap machine until his last day there, on February 25, 2021. As a result, my son was off the Bi-Pap machine for approximately three

days. When I spoke to him on the telephone that day, he told me he was "in an airport and on a plane." He was no longer lucid.

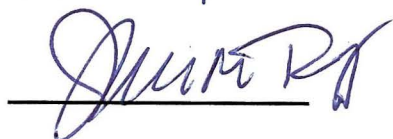
13. The same day, I received a telephone call from a nurse at Fulton Commons who told me that my son was comatose. The staff at Fulton Commons called 911 and EMTs responded and had to intubate my son at his bedside. The nurse called me before my son was transferred to the hospital, and I asked to speak to one of the EMTs, who told me that my son was unconscious and his oxygen level was in the 70th percentile range. My son was transported via ambulance to Nassau University Medical Center ("NUMC") in East Meadow, New York.

16. After my son's transfer from Fulton Commons to NUMC, his condition improved dramatically. He has lost approximately 50 lbs., does not have breathing problems, and no longer requires the use of a Bi-Pap machine.

17. I was alarmed about the quality of care my son received at Fulton Commons. Although he was only at Fulton Commons approximately five days, his medical condition rapidly declined. He went from what I believe was a normal functional state to one where he was delusional, could not communicate, became comatose and almost died.


PATRICIA BERNAERTS

Sworn to before me this
22 day of Sept 2022

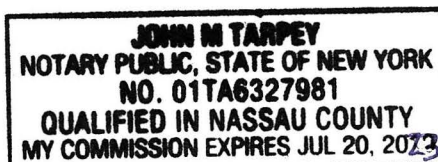


Notary Public, State of New York

No. _____

Qualified in _____ County

Commission Expires: _____



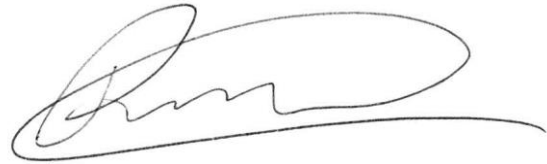
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 731 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in dark ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov

In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
JOHN COSTA**

STATE OF FLORIDA)
)
COUNTY OF ORANGE) ss.:

JOHN COSTA, being duly sworn, attests as follows:

1. My mother, S.K., was a resident at Fulton Commons Care Center, Inc. ("Fulton Commons"), a nursing home located at 60 Merrick Avenue, East Meadow, New York, 11554.
2. My mother resided at Fulton Commons from in or about August 2018 to April 10, 2020, when she died of presumed COVID-19.
3. I currently reside in Heathrow, Florida and am an attorney.
4. My mother was 75 years old when she died. She was a registered nurse and worked in several different hospitals in New York City until the 80's, when she transitioned to working as a private nurse until 2012.
5. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons and set forth below my experiences and observations while caring for and speaking with my mother while she was a resident of Fulton Commons.
6. My mother was a Medicaid recipient and suffered from advanced dementia. She was admitted to Fulton Commons due to dementia and a thyroid condition.

JRC

7. During the period my mother was at Fulton Commons, I was living in New York and generally visited her twice per week and once on the weekend. I had power of attorney for my mother and was the primary family contact regarding my mother's care at Fulton Commons.

8. In or about October of 2019, I saw a circular bruise on the left side of my mother's head, near her temple. I asked the staff at Fulton Commons how my mother acquired the bruise, yet no staff member was able to provide me with an explanation as to how this happened. I took photos of the bruise on my mother's head, which I later provided to the Attorney General's Office. These two photos are attached to this Affidavit as Exhibit 1.

9. I recall another incident at Fulton Commons, which I believe occurred around January 26, 2020. I went to visit my mother and arrived at Fulton Commons after dinner was served. I found my mother in the lunchroom, with other residents who were watching television. As I walked in, I observed my mother crawling on the lunchroom floor. Though there were a few staff members around, no one intervened, and I had to stop her and place her back in her wheelchair myself. Even though I was upset, I never made a formal complaint about this incident. I knew that I was unable to care for my mom due to my work schedule and unable to provide the level of care that she required around the clock, so she needed to stay in the facility. I was afraid that if I complained, Fulton Commons staff would retaliate against my mother, and she would receive even worse care.

10. There was another incident at Fulton Commons in which I saw my mother tied to a wheelchair. I do not recall the date of this incident, but I remember that some type of clothing, possibly a sweater, was tied around her waist and around the chair like a seatbelt. I believe that this was done to keep her from falling forward and out of the wheelchair. I did not complain to anyone about this incident, for the same reason as above.

A handwritten signature in dark ink, appearing to be 'J.R.A.', located in the bottom right corner of the page.

11. I believe that February 27, 2020 was the last time I was able to visit my mother at Fulton Commons before the facility stopped all visitation. When I saw her that day, she was sleeping in bed and sweating. This concerned me because my mother was always cold due to her thyroid condition. She typically did not sweat, even with blankets on.

12. Though we were all hearing about the dangers from COVID-19 at this point, I did not observe Fulton Commons staff wearing masks or personal protective equipment, even up to the last day that I was in the Fulton Commons facility. It is my understanding the Fulton Commons went into a COVID-19 lockdown on or about March 1, 2020.

13. On or about March 15, 2020, the Fulton Commons staff advised me that my mother had a fever. When I spoke with Fulton Commons floor staff regarding my mother's condition, I was advised that she was fine. However, I received different information from the facility Administrator, who advised my mother had a fever and required medication. I never learned whether this medication helped her, and she ultimately died on April 10, 2020.

14. The communication with Fulton Commons staff was not good. During the COVID-19 pandemic, communication with Fulton Commons was sporadic. I never knew what was happening to my mother during that time. I had occasional contact with the Fulton Commons Administrator and received from Fulton Commons an occasional robocall with general updates, which did not provide any specific information about my mother's well-being. I was able to retrieve several audio messages I had received from Fulton Commons. I provided copies of these audio files to the Attorney General's Office, and they are attached hereto as Exhibit 2. These messages include a message dated March 9, 2020, in which a Fulton Commons staff member named Dawn stated there was no COVID in the facility, and a message dated March 11, 2020, in which a Fulton Commons staff member stated there was no COVID or flu in the facility.

JRC

15. My mother did not have a telephone at Fulton Commons, and Fulton Commons staff did not provide me with any other way to communicate with her such as FaceTime. I was never made aware that there were residents with COVID-19 in the Fulton Commons facility.

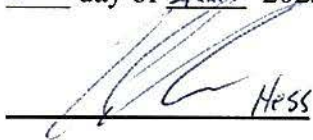
16. I was not happy with the level of staffing at Fulton Commons. I rarely saw any employees at the facility information desk. When I was in the building, I generally saw one or two staff members overseeing 30 residents.

17. I did not file any complaints with Fulton Commons or any outside agencies regarding the poor care that my mother received at Fulton Commons because I was concerned that if I complained, it would impact my mother's care.

18. It was my impression that Fulton Commons was not interested in providing quality of life for my mother, just basic medical care.


JOHN COSTA

Sworn to before me this
27 day of September 2022


Hess

Notary Public, State of New York

No. 299441

Qualified in Danvers County

Commission Expires: 02/07/2023



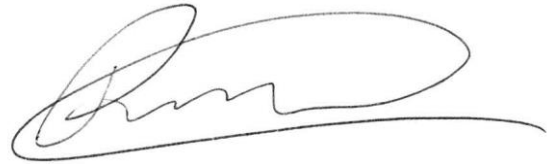
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 1,037 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
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NOTICE OF HARD COPY EXHIBIT FILING

Index Number: _____

Pursuant to Uniform Rule § 202.5-b(d)(7), notice is hereby given that the exhibit described below:

[] was filed in hard copy only with the County Clerk of _____ County under the above referenced Index Number

or

[x] will be retained by the party set forth below until the conclusion of this action/proceeding, including all appeals, and therefore will not appear in electronic form in the e-docket.

Filing/Retaining Party: Office of the NYS Attorney General, MFCU

Brief Description (e.g., map, videotape, etc.) Voicemails:3/9/2020 & 3/11/2020

and, in either case, has been or will be served in hard copy on all parties in this action, with proof of service filed electronically

Dated: December 12, 2022

Prabhjot Sekhon

Name

NYS Attorney General, MFCU

Firm/Department

300 Motor Parkway, Ste 210

Street Address

Hauppauge, NY 11788

City, State and Zip Code

631-952-6400

Phone

Prabhjot.Sekhon@ag.ny.gov

E-Mail Address

In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
WALTER CREVOISERAT**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

Walter Crevoiserat, being duly sworn, attests as follows:

1. I am the son of A.C., a former resident of Fulton Commons Care Center, Inc. ("Fulton Commons"), a nursing home located at 60 Merrick Avenue., East Meadow, N.Y. 11554. I am 55 years old and currently reside in Durham, North Carolina.

2. I am a retired New York City Police Officer. Currently, I am employed as a police officer by the Duke University Police Department in Durham, N.C.

3. My mother was born in 1946, and she was a resident of Fulton Commons from approximately 2018 until approximately June 11, 2020.

4. I submit this Affidavit in connection with the New York State Attorney General's Investigation into Fulton Commons and set forth below my experiences and observations while caring for and speaking with my mother as a resident of Fulton Commons.

5. My mother had four children and four grandchildren. She enjoyed reading and raising her children. Before my mother became ill, she had started driving a small bus.

6. My mother had been diagnosed with dementia and required the use of a walker.

7. While my mother was a resident at Fulton Commons, she was placed in a room on the 3rd or 4th floor until in or about September of 2019, when her roommate became combative. My mother was then moved to a private room on the 2nd floor of Fulton Commons.

8. Members of my family would visit my mother frequently, and we would confer about how my mother was doing and the quality of care that she received at Fulton Commons.

9. My father visited my mother every day. I traveled to see my mother in New York approximately twice a year, and I called my mother daily. Once the COVID-19 lockdown began in March 2020, the only contact that we had with my mother was through a cell phone we provided to her. My family and I were not provided with any electronic access, such as FaceTime, to communicate with my mother during the COVID-19 lockdown period.

10. My father, and my brother, Brian Crevoiserat, were notified on or about June 11, 2020, that Fulton Commons could no longer care for my mother due to a gangrene-related condition involving her foot, and she would be transferred to St. Joseph's Hospital in Bethpage, New York.

11. On or about June 11, 2020, my brother, Frederick Crevoiserat, took a photograph of my mother's foot. I shared this photograph with the New York State Attorney General's Office. The photograph, which is attached to this Affidavit as Exhibit 1, shows that my mother's foot was turning black from the gangrene. The condition of my mother's foot did not happen overnight and occurred from a lack of nutrition. I believe there was a great deal of neglect of care for the residents at Fulton Commons during the COVID-19 shutdown of the facility.

12. On or about June 16, 2020, I spoke to a female physician at St. Joseph's Hospital who advised me that my mother was suffering from a gangrenous foot and malnutrition.

13. On or about June 22, 2020, I spoke with Ms. Frawley at Fulton Commons via the telephone. Ms. Frawley told me that my mother could return to Fulton Commons upon her release from St. Joseph's Hospital. I told Ms. Frawley that I did not want my mother to return to Fulton Commons and that I would find another facility to place my mother in.

14. My mother eventually needed to have her leg amputated to the knee as a result of the gangrene she acquired at Fulton Commons. Her condition was so poor from the advanced malnutrition that the malnutrition needed to be addressed before she could have surgery to amputate the portion of her leg.

15. My mother has since died. She died on September 12, 2020, at the Hospice Inn located in Melville, New York. Her cause of death was cardiopulmonary arrest and pneumonia.

16. My family is currently seeking the release of medical records from Fulton Commons regarding my mother's care. Fulton Commons has refused to turn over all of the information that my family is seeking.

Walter Crevoiserat

WALTER CREVOISERAT

Sworn to before me this
22nd day of September 2022

Mr

Notary Public, State of ~~New York~~ North Carolina
No. _____
Qualified in Alamance County
Commission Expires: 12-19-2026



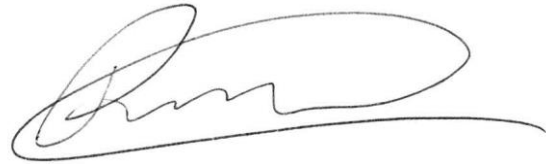
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 693 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in dark ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
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Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov



In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
EMMA CRUZ**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

EMMA CRUZ, being duly sworn, attests as follows:

1. I am the daughter-in-law of P.C., a former Fulton Commons Care Center, Inc. (“Fulton Commons”) resident. I currently reside in Westbury, New York.

2. I submit this Affidavit in connection with the New York State Attorney General’s investigation into Fulton Commons and set forth below a summary of my experiences and observations while caring for and speaking with my mother-in-law, who was a resident of Fulton Commons from approximately July 22, 2021 to October 29, 2021.

3. My mother-in-law, who was born in 1938, was admitted to Fulton Commons on or about July 22, 2021, after being hospitalized due to a fall where she broke her left hip and right wrist. She also has anemia and macular degeneration. When my mother-in-law was ready to be discharged from the hospital, she needed physical therapy to recover from her injuries and Fulton Commons was the only facility with an available bed. Despite her physical ailments, she was lucid and communicated her concerns to me.

4. About one hour after her arrival at Fulton Commons, on or about July 22, 2021, a man, later identified as a resident, entered my mother-in-law’s room and told her, “I am going to



take care of you.” My mother-in-law became distressed and called 911. She also called me and her two sons. Upon our arrival at the facility, we requested Fulton Commons move my mother-in-law to a different room because she was so upset. I slept in my mother-in-law’s room overnight to reassure her. Approximately two weeks later, the same male resident entered her new room and began going through her dresser drawers. I was then told by staff that the male resident was a dementia patient whose medication had worn down for the day, which caused him to behave as he did.

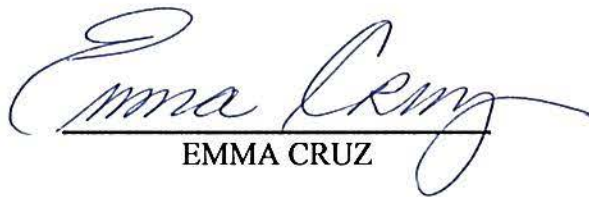
5. I know that Fulton Commons has a dementia unit. I did not understand why Fulton Commons had this male dementia resident living on a non-dementia unit, especially when he was going in and out of other residents’ rooms and not being properly supervised.

6. My mother-in-law told me that whenever she rang the call bell for assistance at Fulton Commons, it took a long time for any response. In the beginning, the staff responded quickly, but as time progressed, ten minutes or more would be the normal response time. It seemed like the longer my mother-in-law was at Fulton Commons, the less the staff assisted her. For example, my mother-in-law complained that it took a while for Fulton Commons staff members to assist her to get to the bathroom. My mother-in-law wanted to use the bathroom so she could avoid toileting in a disposable brief but could not get there without help due to her hip injury. When I complained to a desk nurse named Maria about how long it took staff to help my mother-in-law, I was told, “We will get there as soon as we can.”

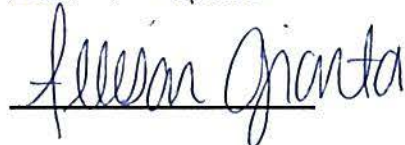
7. While my mother-in-law was at Fulton Commons, there were very few activities to keep her and the other residents stimulated. My mother-in-law would simply sit in bed because she was not interested in the few activities they offered (like bingo and music). Her television had only a few channels and frequently did not work, with some channels being static and not viewable.

For the most part, my mother-in-law received rehabilitation and that was the end of her activities for the day.

8. I would never recommend Fulton Commons for the care of others. The facility was old, staff were not friendly, and dementia residents were not properly supervised. My mother-in-law was generally in good health and received her prescribed rehabilitation, however, we found the lack of care and limited activities distressing.


EMMA CRUZ

Sworn to before me this
26 day of September 2022



Notary Public, State of New York
No. _____

Qualified in _____ County

Commission Expires: 7/31/25

ALLISON GIONTA
Notary Public, State of New York
Qualified in Monroe County
No. 01GI6362539
Commission Expires July 31, 2025

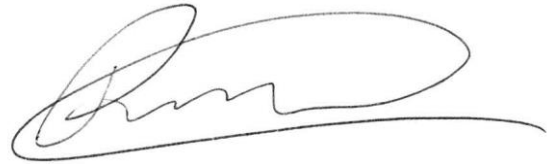
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 626 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
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Prabhjot.Sekhon@ag.ny.gov

In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
ANDREA DOHERTY**

STATE OF NEW YORK)
)
COUNTY OF _____) ss.:

ANDREA DOHERTY, being duly sworn, attests as follows:

1. I am the daughter of W.V., a former resident of Fulton Commons Care Center, Inc. ("Fulton Commons"), a nursing home located at 60 Merrick Avenue, East Meadow, New York 11554.
2. I am 54 years old and currently reside in Oyster Bay, New York.
3. I am a licensed realtor and currently care for my mother who is 81 years old.
4. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons and set forth below my experiences when my father was a resident of Fulton Commons from June 25, 2021 to July 8, 2021, at which time I removed him from the facility because of the poor care he received.
5. My father was 81 years old when he was admitted to Fulton Commons on June 25, 2021, for rehabilitation following his release from North Shore University Hospital ("NSUH"), where he was treated for back pain following a fall at home.
6. My father suffered from pulmonary fibrosis, a lung disease, and required medication and oxygen twenty-four hours per day to ensure that he could breathe comfortably and

maintain safe blood oxygen levels. For almost two years prior to his death, my father had been prescribed 15 mg per day of prednisone as treatment for pulmonary fibrosis and to maintain safe blood oxygen/hemoglobin levels. Prior to taking prednisone, he required over 18 blood transfusions within a six-month period. The prednisone kept his blood count steady and enabled him to avoid any additional transfusions. He continued to receive 15 mg per day of prednisone at NSUH, and this dosage was provided to Fulton Commons on his discharge paperwork from the hospital, which I reviewed.

7. Fulton Commons was not ready for my father when he arrived on June 25, 2021, and I do not believe Fulton Commons could accommodate his needs. When I visited him the day after his admission, I saw him sitting alone in his room without oxygen and without access to a call bell. I immediately complained to Fulton Commons staff about the lack of oxygen, who only then connected my father to an oxygen machine. My father's room was dirty, and there was exposed ductwork in the room.

8. I complained to the head nurse about the condition of the room, and my father was moved to a different room on the first floor, which I was told was the "nicest" room. The new room was cleaner, but it also lacked a call bell. I took photos of my father's room, which show significant dust, cracks, tears, and dirt in the wallpaper and on the walls. Those photos are attached to this Affidavit as Exhibit 1.

9. I quickly realized that Fulton Commons had a "fill the bed" attitude – they wanted the beds filled but were unconcerned about whether the residents received proper care – and only attempted to accommodate family members when they complained.

10. I was concerned about the lack of care that my father was receiving, so I felt compelled to pay one of the morning aides to stay overnight with my father to care for him and to

make sure that he remained connected to his oxygen machine. Without the oxygen, he would suffer from sleep apnea and/or other issues. Due to the location of my father's room at the end of the hallway, the lack of staff at Fulton Commons, and because my father's room did not have a call bell, I was afraid that it would have been difficult for anyone to hear him calling for help.

11. On July 8, 2021, we removed my father from Fulton Commons due to the substandard treatment and care he received. My father's condition was deteriorating, and he was unable to stand on his own. My family and I agreed we wanted to find him a better option, so we brought him home.

12. The following day, Friday, July 9, 2021, a visiting nurse came to the house to check on him. My father was tired and not feeling well. He was very weak and not breathing well, as was his condition during his entire stay at Fulton Commons. The nurse looked through his discharge paperwork from Fulton Commons and NSUH and realized that there was a discrepancy in his dosage for prednisone. She showed us that although the hospital paperwork showed the correct amount of 15 mg per day, Fulton Commons' discharge paperwork showed that he was only given 5 mg daily – one-third of his prescribed dose. I also called my father's pulmonologist and told him what happened with the prednisone. He instructed us to double the dose to 30 mg per day as a bolus over the weekend and to schedule to have his blood drawn on Monday to check his blood

oxygen level. I also contacted the pulmonologist who treated my dad at NSUH. I asked him to check the dosage of prednisone my dad was getting when he was there. The pulmonologist confirmed that my dad was getting 15 mg per day. The underlined items occurred on or about Monday, July 12, 2021.

13. The following Monday, July 12, 2021, my family called 911 because my father's condition continued to worsen. My dad was having difficulty breathing and had chest pains.

14. The ambulance arrived and my mother asked them to take my father to the hospital. They transported him to St. Francis Hospital, where my father received a blood transfusion because his hemoglobin level had decreased to five when it should have been 11/12.

15. After spending several more days in the hospital, my dad was discharged and admitted to Sands Point Center for Health and Rehabilitation ("Sands Point") at 1440 Port Washington Blvd, Port Washington, New York 11050, for rehabilitation until the end of July 2021. I have no complaints about my father's stay at Sands Point.

16. After I spoke with my father's pulmonologists, I contacted Fulton Commons to notify them of the medication error. I spoke to the Administrator, Cathie Doyle, who told me that she was going on vacation but would have Carol Frawley, the Director of Nursing and acting Administrator-in-charge, look into the matter thoroughly and get back to me.

17. Ms. Frawley called me back on Monday, July 12, 2021, and told me that my dad was administered 5 mg because that is what the hospital discharge records indicated. Fulton Commons sent me their copy of the hospital records, which is attached to this Affidavit as Exhibit 2. Their copy was obviously whited-out and poorly edited by hand to show a 5 mg dosage. It was obviously a clear but very pitiful attempt to cover up a huge mistake that had been perpetrated by their facility to my father's severe detriment.

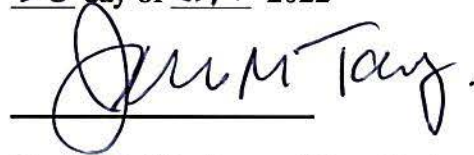
18. The paperwork from the hospital, which Fulton Commons was given when my dad was admitted, indicated the 15 mg per day dose. A copy of this paperwork is attached to this Affidavit as Exhibit 3.

19. I wrote an email-letter dated July 15, 2021, to Carol Frawley about the poor care my father received at Fulton Commons. That email-letter is attached to this Affidavit as Exhibit 4. Carol Frawley never responded to my email.

20. Thereafter, my father's health continued to deteriorate, and he died at St. Francis Hospital on February 2, 2022.


ANDREA DOHERTY

Sworn to before me this
23 day of SEPT 2022

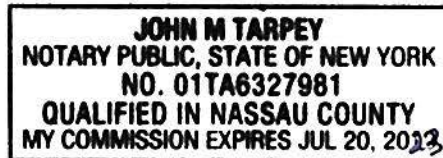


Notary Public, State of New York

No. _____

Qualified in _____ County

Commission Expires: _____



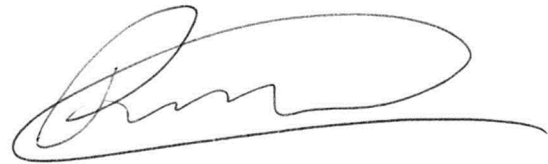
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 1,239 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov

From: Andrea Viklund Doherty
To: Lubin, Patrick [HAU]
Subject: Fulton Commons Photos
Date: Wednesday, May 25, 2022 1:38:29 PM
Attachments: [image_67513857.JPG](#)
[image_6487327.JPG](#)
[image_6487327.JPG](#)
[image_6487327.JPG](#)
[image_6487327.JPG](#)
[image_6487327.JPG](#)

[EXTERNAL]

Hi Patrick,

I'm attaching a few photos that I took at Fulton Commons. There are pictures of the dirt and dust that were present on my father's bed, including close-ups. This was especially shocking to find since my dad was admitted as respiratory patient.

I've also provided a photo of the equipment in his room. The items circled in **blue** are the items **we brought to the facility ourselves which they had approved in advance** before we arrived. These included his bi-pap machine and his portable ventilation device (Life2000). When we arrived, there was absolutely no one there to assist him or even attempt to try to set up these machines. They didn't even know that he required oxygen and had to go searching for a portable concentrator. (I assumed that a respiratory-equipped rehab facility would have had wall oxygen?!...). Once we got the concentrator, I personally set up and turned on the equipment myself since there was no one else there to do so.

I thought I had some better photos of the walls... I remember seeing what appeared to be black mold in the corner by the window.

Andrea



On Wed, Feb 16, 2022 at 3:28 PM Andrea Viklund Doherty <[REDACTED]> wrote:

Here is my reply to Carol's email #2.

I did not receive a response from her, Patti Loudon, or anyone else at Fulton Commons after this.

This was our last exchange.

----- Forwarded message -----

From: Andrea Viklund Doherty <[REDACTED]>
Date: Thu, Jul 15, 2021 at 11:32 AM

Subject: William Viklund
To: Carol Frawley <cfrawley@fultoncommons.com>
CC: <Plouden@bvnh.com>, <[REDACTED]>

Hi Carol,

Sorry for this delayed reply to your email - I've been quite busy but also wanted to make sure I addressed your questions and comments thoroughly.

1. Regarding your question about the prednisone and my father's blood count:

He does not have a bleed. He has been under the care of a pulmonologist and a hematologist for over the past 2 years who collectively have been monitoring and treating his pulmonary fibrosis and anemia after he was hospitalized with pneumonia. At their direction, he has been taking 15mg of prednisone every day since then as they discovered that the prednisone used to treat his pneumonia also helped to keep his hemoglobin at an acceptable level. He had been maintaining a level over 10 ever since, which his doctors attribute to the prednisone. I can provide you with their information if you would like to speak with them directly to confirm this. They track his blood count every 2-4 weeks, and if his numbers are getting low, they adjust his prednisone dose accordingly as they have found it to be successful at avoiding the need for a blood transfusion. In 2019, he had approximately 28+ transfusions. While being treated with prednisone his anemia stabilized, and he continues to take 15mg daily as it is deemed to be critical to his care. It's no shock to us that his hemoglobin would drop to 8.1 or worse if he was only getting 1/3 of the medication required to keep him in check, which is exactly what happened to him at Fulton Commons. What is shocking is that no one saw or noticed his bloodwork as a red flag and/or bothered to address the situation with his family. We most likely could have prevented his anemia from getting any worse at that point, as we would have checked on his medications and discovered the mistake being made.

You asked if I would like to speak with your attending physician. I called Dr. Johnson at his office over the weekend and spoke to him on Monday to inform him of the medication error. You can certainly give him my number to call me again as I would welcome any insight he may have learned since that conversation.

2. Regarding the altered paperwork:

I can only assume that Cathie Doyle notified the appropriate staff after my phone call to her last Friday regarding the prednisone error. It seems pretty apparent that someone there then tried to edit the paperwork in an attempt to cover up the mistake. And whoever that was did an extremely poor job. As a former healthcare professional I was appalled to be presented with such a shoddy and inappropriately edited document, especially from another healthcare professional!

3. Regarding any "progress" he made at your facility:

After the debacle we experienced from the very first moment we arrived there (which is a completely different yet equally horrible story), my mother and I firmly expressed to Dr. Johnson, Marie Benoit, Patty from discharge planning, as well as Chris from PT - that due to his medical issues and history - we did not feel that Fulton Commons was an appropriate or safe place for someone with my father's medical issues to be. Regardless if you were able to provide him with the greatest physical therapy program on earth, your facility was not adequately equipped to deal with his more critical and complex health issues; and his overall

safety was at risk simply by him being there. (His doctors that we spoke to agreed). That plea fell on deaf ears. Patty informed us, that if we took him out of there, it would be considered "against medical advice" and he would therefore not be eligible for coverage of any therapeutic services at home. So the bottom line was, in order for us to get him out of there ASAP and still be able to receive therapy, we had no choice but to keep him there until your therapists were willing to sign off on his "progress". (And your facility would then be able to collect from Medicare for his "treatment", I might add).

Regarding your statement that my father "did not appear to be short of breath during his therapy sessions" - is 100% inaccurate. I was with Chris and Lauren Borgerson quite often during his sessions and witnessed it happening myself. His breathing was deteriorating and becoming more and more labored each day. They both acknowledged this at the time. They tried what therapy they could do with him despite his respiratory challenges - but unfortunately due to no fault of their own, it wasn't very much. I'm expect they'd agree.

Although we had resigned to the fact that he was stuck there for a bit, our only and ultimate goal was to do we needed to do to get him out of there so that his more serious medical issues could be properly addressed. That's all we wanted from the minute we walked in your door. We extensively prepared for his homecoming and were so relieved when that day came last Thursday. His pulmonologist had arranged for a respiratory visit from Community Services that same day in order to re-calibrate his external ventilator device. They adjusted it to more aggressive settings since we had notified him of the increasing breathing difficulties my father had been experiencing while at rehab. We hoped this would result in improvement. The next day (Friday), a visiting nurse from Constellation came over to assess him. While looking over his discharge papers from the hospital as well as from Fulton Commons, she discovered a discrepancy/error regarding his prednisone dosage and brought it to our attention. We immediately called his pulmonologist to let him know that my Dad had only been taking 5mg, not of 15mg, for almost 2 weeks. At that point he instructed us to double his prescribed dose from 15mg to 30mg over the weekend as a bolus... and that he would be sending someone to the house to draw his blood first thing on Monday morning in order to check and see if his numbers had been impacted as a result. That was when I also called Cathie to let her know about the medication mistake, and she told me that she would be away and that you would call me on Monday after looking into the situation. You called and told me that he was given only 5mg of prednisone during his time at Fulton Commons because that what was indicated on the discharge papers you received from North Shore upon his arrival. That seemed odd, so I asked you to please forward them to me, which you did. You also told me that you had contacted his nurses' station at North Shore and were told by someone there that he was only given 5mg during his stay there as well. Knowing that could not possibly be true, I called the pulmonologist who had overseen his care at North Shore and asked if he could please check on this for me. He called me back just a few minutes later and confirmed that he was indeed getting 15mg at the hospital, not 5mg as you suggested.

Shortly after making and receiving these phone calls, I learned that my Dad was in an ambulance and on his way to St. Francis Hospital with extreme shortness of breath, weakness and chest pains. The home visit to draw his blood never happened. They discovered in the ER that his hemoglobin had dropped to 7.9 and an emergency transfusion was ordered. He was admitted, did not have a heart attack, and does not have a bleed. He is undergoing more tests, has had another transfusion, will most likely require a few more. At least we know he's now safe and in good hands.

I shudder thinking about how long it might have taken for someone to realize or even notice that he was in trouble if he had still been at Fulton Commons. Thank God he was not. I also shudder thinking about the 13 clearly dangerous and useless days he spent there - having to endure physical therapy (regardless of how minimal or brief), while at the same time not being provided with the proper medication that basically enables him to function and breathe properly. That would be horrific for anyone, let alone an elderly person who is chronically ill. I think it's pretty clear that we all would be in a better place right now if you and your team had actually listened to our pleas that Fulton Commons was not an appropriate or safe place for someone like my father to be. Any supposed "progress" he made there is a joke. But I guess since you were able to collect from Medicare for his visit you consider this to be a success story.

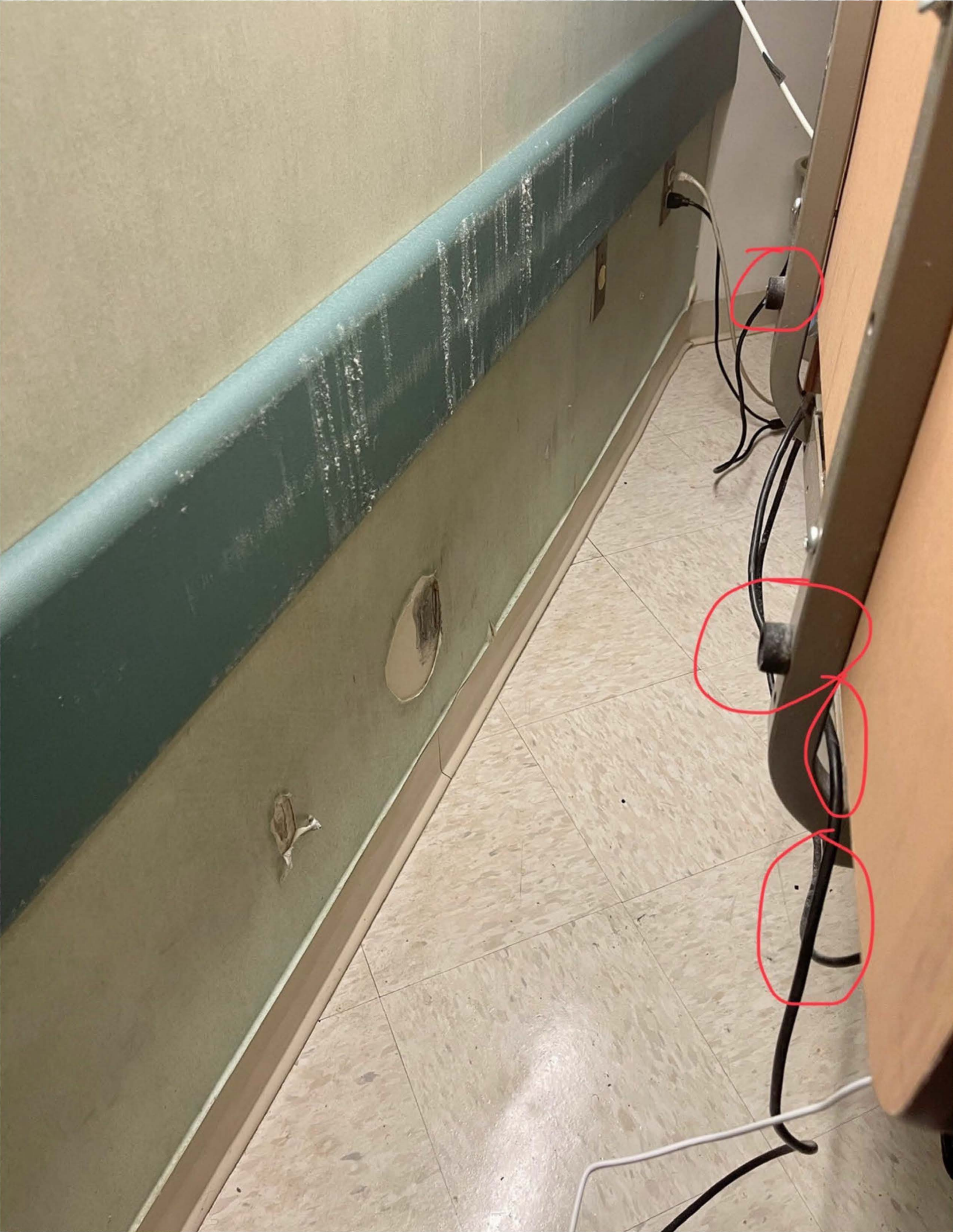
And then there is the icing on the cake - the outrageously inappropriate and embarrassingly edited documents that were presented to me in an attempt to justify and/or deflect responsibility for the medication mistake made at your facility. Completely unconscionable.

Needless to say, I would not wish the experience we had at Fulton Commons on anyone.

Sincerely,
Andrea Viklund Doherty
[REDACTED]















Northwell

Health

North Shore University Hospital

Date of Birth: 6/12/1940

MRN/VisitID: 1321342/500011774717

I will START or STAY ON these medications listed below when I leave the hospital:

Medications:	When to Take Next Dose	Changes	Prescriptions
✓ Lipitor 10 mg oral tablet --1 tab(s) by mouth once a day (at bedtime) Indication: Cholesterol	6/25 PM	No Changes	Continue to Take Your Medication as Prescribed
✓ magnesium oxide 400 mg oral tablet --1 tab(s) by mouth once a day Indication: Supplement	6/26 AM	No Changes	Continue to Take Your Medication as Prescribed
✓ pantoprazole 40 mg oral delayed release tablet --1 tab(s) by mouth once a day Indication: GI protection	6/26 AM	No Changes	Continue to Take Your Medication as Prescribed
→ prednisone 5 mg oral tablet --5 milligram(s) by mouth once a day Indication: ILD	6/26 AM	No Changes	Continue to Take Your Medication as Prescribed
✓ Probiotic Formula oral capsule --1 cap(s) by mouth once a day Indication: supplement	6/25 PM	No Changes	Continue to Take Your Medication as Prescribed
TLSO brace --Dx Mod. L3 compression deformity ICD S32.03 Indication: Support		No Changes	Continue to Take Your Medication as Prescribed

I will STOP taking these medications listed below:

Medications:	
Mag-Ox 400 oral tablet --1 tab(s) by mouth once a day	
potassium chloride 20 mEq oral tablet, extended release --1 tab(s) by mouth once a day	
torsemide 20 mg oral tablet --1 tab(s) by mouth once a day	

I will take the following medications only as needed:

Medications:	When to Take Next Dose	Changes	Prescriptions
1 acetaminophen 325 mg oral tablet --2 tab(s) by mouth every 6 hours, As needed, Mild Pain (1 - 3) Indication: Mild pain	6/25 if needed	No Changes	Continue to Take Your Medication as Prescribed



**Northwell
Health**

North Shore University Hospital

Date of Birth: 6/12/1940

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predniSONE 5 mg oral tablet --15 milligram(s) by mouth once a day Indication: ILD	6/26 AM	No Changes Continue to Take Your Medication as Prescribed
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From: [Andrea Viklund Doherty](#)
To: [Lubin, Patrick \[HAU\]](#); [Scandaliato, Dawn \[HAU\]](#)
Subject: Fulton Commons Email #2 - reply
Date: Wednesday, February 16, 2022 3:28:49 PM

[EXTERNAL]

Here is my reply to Carol's email #2.

I did not receive a response from her, Patti Loudon, or anyone else at Fulton Commons after this.

This was our last exchange.

----- Forwarded message -----

From: **Andrea Viklund Doherty** <[REDACTED]>
Date: Thu, Jul 15, 2021 at 11:32 AM
Subject: [REDACTED]
To: Carol Frawley <cfrawley@fultoncommons.com>
CC: <Plouden@bvnh.com>, <[REDACTED]>

Hi Carol,

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1. Regarding your question about the prednisone and my father's blood count:

He does not have a bleed. He has been under the care of a pulmonologist and a hematologist for over the past 2 years who collectively have been monitoring and treating his pulmonary fibrosis and anemia after he was hospitalized with pneumonia. At their direction, he has been taking 15mg of prednisone every day since then as they discovered that the prednisone used to treat his pneumonia also helped to keep his hemoglobin at an acceptable level. He had been maintaining a level over 10 ever since, which his doctors attribute to the prednisone. I can provide you with their information if you would like to speak with them directly to confirm this. They track his blood count every 2-4 weeks, and if his numbers are getting low, they adjust his prednisone dose accordingly as they have found it to be successful at avoiding the need for a blood transfusion. In 2019, he had approximately 28+ transfusions. While being treated with prednisone his anemia stabilized, and he continues to take 15mg daily as it is deemed to be critical to his care. It's no shock to us that his hemoglobin would drop to 8.1 or worse if he was only getting 1/3 of the medication required to keep him in check, which is exactly what happened to him at Fulton Commons. What is shocking is that no one saw or noticed his bloodwork as a red flag and/or bothered to address the situation with his family. We most likely could have prevented his anemia from getting any worse at that point, as we would have checked on his medications and discovered the mistake being made.

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Although we had resigned to the fact that he was stuck there for a bit, our only and ultimate goal was to do we needed to do to get him out of there so that his more serious medical issues could be properly addressed. That's all we wanted from the minute we walked in your door. We extensively prepared for his homecoming and were so relieved when that day came last Thursday. His pulmonologist had arranged for a respiratory visit from Community Services that same day in order to re-calibrate his external ventilator device. They adjusted it to more aggressive settings since we had notified him of the increasing breathing difficulties my father had been experiencing while at rehab. We hoped this would result in improvement. The next day (Friday), a visiting nurse from Constellation came over to assess him. While looking over his discharge papers from the hospital as well as from Fulton Commons, she discovered a discrepancy/error regarding his prednisone dosage and brought it to our attention. We immediately called his pulmonologist to let him know that my Dad had only been taking 5mg, not of 15mg, for almost 2 weeks. At that point he instructed us to double his prescribed dose from 15mg to 30mg over the weekend as a bolus... and that he would be sending someone to the house to draw his blood first thing on Monday morning in order to check and see if his numbers had been impacted as a result. That was when I also called Cathie to let her know about the medication mistake, and she told me that she would be away and that you would call me on Monday after looking into the situation. You called and told me that he was given only 5mg of prednisone during his time at Fulton Commons because that what was indicated on the

discharge papers you received from North Shore upon his arrival. That seemed odd, so I asked you to please forward them to me, which you did. You also told me that you had contacted his nurses' station at North Shore and were told by someone there that he was only given 5mg during his stay there as well. Knowing that could not possibly be true, I called the pulmonologist who had overseen his care at North Shore and asked if he could please check on this for me. He called me back just a few minutes later and confirmed that he was indeed getting 15mg at the hospital, not 5mg as you suggested.

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I shudder thinking about how long it might have taken for someone to realize or even notice that he was in trouble if he had still been at Fulton Commons. Thank God he was not. I also shudder thinking about the 13 clearly dangerous and useless days he spent there - having to endure physical therapy (regardless of how minimal or brief), while at the same time not being provided with the proper medication that basically enables him to function and breathe properly. That would be horrific for anyone, let alone an elderly person who is chronically ill. I think it's pretty clear that we all would be in a better place right now if you and your team had actually listened to our pleas that Fulton Commons was not an appropriate or safe place for someone like my father to be. Any supposed "progress" he made there is a joke. But I guess since you were able to collect from Medicare for his visit you consider this to be a success story.

And then there is the icing on the cake - the outrageously inappropriate and embarrassingly edited documents that were presented to me in an attempt to justify and/or deflect responsibility for the medication mistake made at your facility. Completely unconscionable.

Needless to say, I would not wish the experience we had at Fulton Commons on anyone.

Sincerely,
Andrea Viklund Doherty



In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
NANCY FLETCHER**

STATE OF NEW YORK)
)
COUNTY OF DELAWARE) ss.:

NANCY FLETCHER, being duly sworn, attests as follows:

1. I am the daughter of former resident G.G. of Fulton Commons Care Center, Inc. ("Fulton Commons"), a nursing home located at 60 Merrick Avenue, East Meadow, New York 11554.

2. My father resided at Fulton Commons from April 28, 2020 to May 17, 2020.

3. I am 50 years old and currently reside in East Branch, New York.

4. I am employed as a registered nurse ("RN") at Roscoe Regional Nursing Home.

5. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons, and I set forth below my experiences and observations while caring for and speaking with my father, G.G., as a resident of Fulton Commons.

6. My father was born in 1944, and he died on June 18, 2020, at the age of 76. My father was a master licensed electrician for the townships of Floral Park, South Floral Park, and Bellerose for 50 years. He had two daughters, five grandchildren and two great-grandchildren. He suffered from left-side heart failure and small myocardial infarction. Despite his medical conditions, he was lucid. Prior to his admission to Fulton Commons, he paid his own bills each month and owned an apartment building, which he also lived in, and he provided electrical



maintenance for his tenants. While he lived at home, he had a home health aide to monitor him due to several falls.

7. In April 2020, my father suffered a fall at his home and was sent to Winthrop Hospital for evaluation. At the hospital, it was determined that it would be unsafe for my father to go home without rehabilitation and physical therapy. His stay at Fulton Commons was supposed to be temporary, approximately 29 days as recommended by the hospital. After his rehabilitation at Fulton Commons, he was supposed to return home with his home health care aide.

8. I wanted to place my father in a facility that was closer to where I lived so that I could make sure that he was getting the care he needed. When I called several facilities in my area, they were very leery about taking any resident from Long Island due to COVID-19.

9. A representative from the hospital told me that it would be easier for my father to be transferred to a facility closer to me if my father was being transferred from a rehabilitation facility as opposed to a hospital.

10. My father was admitted to Fulton Commons on April 28, 2020, which I hoped would eventually get him transferred to a facility closer to me or my home. My father's insurance allowed for between 21 to 28 days of rehabilitation.

11. When my father arrived at Fulton Commons, he was alert, but not oriented. My father could make his needs known and was able to feed himself.

12. As visitation was suspended, I would call daily to check on my father. During some of these calls, I was told by Fulton Commons staff that his vital signs were stable and within normal limits; however, when I questioned what his vital signs were, they often did not have that information in front of them. I also asked if my father was using his oxygen, and again, they often did not know. I was told by the nursing staff that I spoke to that they would have to get the head



nurse to answer my questions, but I never received a call back from the head nurse. However, during other calls, I would get explanations from the charge nurse that my father was going to activities, there were no significant events, he was doing fine, and he was participating in physical therapy. Fulton Commons staff always gave me answers that were very vague. As an RN, I would ask specific questions, such as, "What range of motion are the physical therapists doing?" and the nursing staff would say, "I do not have his chart in front of me." Also, the nursing staff could not tell me the types of activities he was participating in for that day, and again would say, "I do not have that information in front of me." Whenever I asked what his vitals were, the nursing staff would tell me that they were within normal limits and he was stable. I would tell them, "That is not what I asked."

13. When I called the facility, I would often receive conflicting information. When I spoke to the day nurse, she would tell me that my father was doing fine, eating, and going to the dining room. The night nurse would tell me that my father was not doing very well.

14. Shortly after my father was admitted to Fulton Commons from the hospital, I was told by a Fulton Commons nurse that my father fell out of bed twelve times during a twenty-four-hour period. Fulton Commons staff told me that they "set-up" my father on the floor with pillows to avoid him from falling out of bed. Despite these falls, my father was never sent to the hospital for an evaluation even though I requested it.

15. I repeatedly requested to have a FaceTime call with my father and was given excuses that he was either doing an activity, eating, or sleeping. The one time that they offered me a FaceTime with my father I was unavailable, so the call went to the next available person on the list – V.S., his home health care aide.



16. V.S., who was diligent about keeping in touch with my father while he was at Fulton Commons, had this FaceTime call with my father on May 4, 2020. V.S. took a video of that call, which shows my father unresponsive and barely breathing. I sent that video, which is attached to this Affidavit as Exhibit 1, to the Attorney General's Office, and it depicts an unknown Fulton Commons staff member trying to wake up my father. V.S. called me after the FaceTime call and told me that she was concerned for my father's well-being.

17. After seeing this video, I immediately called Fulton Commons and demanded to speak to a charge nurse. When I finally was able to speak with the charge nurse, she told me that my father was on several strong medications: Ativan (a controlled substance and sedative), Seroquel (an antipsychotic medication), Neurontin a/k/a Gabapentin (an anticonvulsant) and Melatonin (a natural sleep aid). I wanted him sent to the hospital because he was unresponsive, but I was told he was resting and stable.

18. After learning that my father was on all these medications, I accused Fulton Commons of chemically restraining my father and demanded that it stop. They suggested that I be a part of their "care plan" meeting on May 6th at 10 a. m. by phone. I took off from work to be available for this phone call, but it never happened. When I later contacted Fulton Commons about not receiving a call, I was told that Fulton Commons tried to contact me, but I couldn't be reached. Fulton Commons staff told me that they tried to reach me at my father's home phone number, where no one was, even though I had given them my cell phone number and home phone number, which I specifically went over with the social worker. However, at that point, they told me that all four of the medications had been reduced or discontinued. I spoke to Fulton Commons physician, Dr. Johnson, who confirmed that the medication doses had been changed. I specifically wanted Fulton Commons to stop giving him Ativan. Ativan is given for anxiety and distress and is only



given in cases of extreme agitation where the person is going to harm himself or others. Conversely, my father could hardly speak.

19. I explained to Dr. Johnson that I wanted my father transferred out of the facility, and he put me in touch with a coordinator who was of little help. I had to find care facilities on my own, which was a long process that I was not able to complete because my father declined significantly on May 17, 2020, and was discharged to a hospital, as detailed below.

20. On May 17, 2020, at 2 p.m., I spoke to the day nurse at Fulton Commons about my father's condition and was told that his vital signs were all stable and that he was eating in the dining room and participating in activities. At 6:53 p.m. that evening, I received an urgent call from the night nurse at Fulton Commons that my father was severely declining. I was told that his oxygen levels were critically low, that my father was unresponsive, and I was asked if I wanted to make my father a "DNR" (an advance directive not to resuscitate him if he stopped breathing). When I told the night nurse that I was told earlier that day that my father was stable and participating in activities, the night nurse told me that she would not take responsibility for what the day nurse had said.

21. Because of my father's condition, I told Fulton Commons to call an ambulance and send my father to the hospital. I received a call back later telling me that they called an ambulance, and my father would be sent to a local hospital. I had to insist that my father be sent to Winthrop Hospital, where his doctors were. In addition, Winthrop Hospital was familiar with his care since he was discharged from that hospital less than a month earlier.

22. The doctor at the Winthrop Hospital emergency room told me that he was shocked when he saw the list of my father's medications and condition. This doctor also told me that my father's lungs were full of fluid, his blood levels were toxic, he had a collapsed lung, his other lung



was filling up with fluid, he was septic, dehydrated, and malnourished and that it appeared that he had not eaten in days. This doctor told me that they had discussed putting in a chest tube but were concerned that he wouldn't survive the procedure. His heart rate and blood pressure were extremely low and unstable, he was unresponsive, and his kidneys had shut down. The doctor recommended hospice care.

23. My father was admitted that day to hospice care at Winthrop Hospital, and died on June 18, 2020 at 9:05 a.m. He was 76 years old and was only supposed to be at Fulton Commons for 29 days of rehabilitative care.


NANCY FLETCHER

Sworn to before me this
24 day of September 2022



Notary Public, State of New York

No. _____

Qualified in _____ County

Commission Expires: _____

SCOTT D. PETUCCI
Notary Public, State of New York
Herkimer County
No. 01PE6222619
Commission Expires May 24, 2026

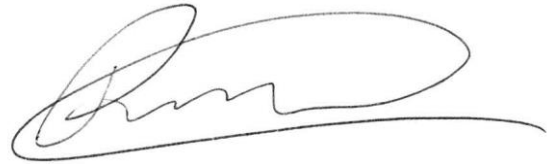
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 1,762 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov

NOTICE OF HARD COPY EXHIBIT FILING

Index Number: _____

Pursuant to Uniform Rule § 202.5-b(d)(7), notice is hereby given that the exhibit described below:

[] was filed in hard copy only with the County Clerk of _____ County under the above referenced Index Number

or

[x] will be retained by the party set forth below until the conclusion of this action/proceeding, including all appeals, and therefore will not appear in electronic form in the e-docket.

Filing/Retaining Party: Office of the NYS Attorney General, MFCU

Brief Description (e.g., map, videotape, etc.) Video dated 5/4/2020

and, in either case, has been or will be served in hard copy on all parties in this action, with proof of service filed electronically

Dated: December 12, 2022

Prabhjot Sekhon

Name

NYS Attorney General, MFCU

Firm/Department

300 Motor Parkway, Ste 210

Street Address

Hauppauge, NY 11788

City, State and Zip Code

631-952-6400

Phone

Prabhjot.Sekhon@ag.ny.gov

E-Mail Address

In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
ROSEMARY GREGUS**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

ROSEMARY GREGUS, being duly sworn, attests as follows:

1. I am the daughter and health care proxy for my father V.T., a former resident of the Fulton Commons Care Center, Inc. ("Fulton Commons"), which is a nursing home located at 60 Merrick Avenue, East Meadow, New York 11554.

2. I am ^{66 Rg}64 years old and currently reside in East Meadow, New York.

3. I was a nursery school teacher and have been retired for the last six years.

4. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons, and I set forth below my experiences and observations while caring for and speaking with my father, V.T.

5. My father was born in 1932 and resided at Fulton Commons from September 2018 until his death at the facility on March 30, 2020. He was 87 years old when he died. He had two children and three grandchildren. He worked for the New York City Police Department as a custodian for somewhere between 25 and 30 years before he retired.

6. My father was retired for many years. My father had Parkinson's Disease which limited his hobbies, but he liked to go out to lunch and to see movies. Prior to his admission to Fulton Commons, my father lived in Floral Park, New York for 25 to 30 years.

Rg

7. My father was admitted to Fulton Commons after a hospital stay at North Shore University Hospital in Manhasset, New York for a severe urinary tract infection ("UTI"). Along with Parkinson's Disease, my father was also diagnosed with dementia. For most of my father's stay at Fulton Commons, he was in room 330A.

8. My father was initially sent to Fulton Commons for rehabilitation and was there for 100 days when his rehabilitation insurance ran out. I tried to get visiting nurse care for him at home so my father could come home, but I realized that I could not get my father enough nursing care hours at home to make sure he got the care he needed. My father was starting to get progressively worse, so I realized that my father needed to remain at Fulton Commons for extra care.

9. Either I or my brother visited my father every day until the COVID-19 lockdown in March 2020. Because of his Parkinson's disease, my father was at the staff's mercy. He could not use the call bell and was not able to speak much. Fulton Commons was very short-staffed, which some of the staff, themselves, even told me. My father always had to wait some time for assistance with using the bathroom and being changed, and I often had to try to find someone to help him. He contracted several UTIs while at Fulton Commons, which might have been due to not being changed enough. I personally witnessed that there were often only two aides in the cafeteria for 30 residents. My father always told me that he wanted to go home, and I tried to bring him home, but I could not get approval from his medical insurance for the level of care that he would need.

10. On November 12, 2019, I went to visit my father at Fulton Commons and saw that he had a black eye. The nurse told me that he fell the night before when being put to bed. I was not notified of the incident until I asked about my father's injury. I took a photo of my father's injury, which is attached to this Affidavit as Exhibit 1.

Pg

11. During the COVID-19 lockdown in March 2020, I was not offered FaceTime communication with my father until just before he passed away. On that day, a recreation aide went into my father's room to do the FaceTime call, but she said he was sleeping and did not respond to her calling his name. After this, I was concerned about his well-being and called the nurse's station to get an update on my father's condition, but no one answered. After several tries, I finally got a staff member on the phone who told me that my father was fine.

12. On the afternoon of March 27, 2020, I received a call from Elfa, the head nurse for Fulton Commons Unit 3 West, where my father was a resident. Elfa told me that my father had a fever. I asked Elfa if this could be COVID and Elfa told me that my father probably just had a virus. Elfa also told me that an x-ray and blood work were ordered for my father.

13. On March 28, 2020, I made eight calls to the unit that my father was on, and no one answered the phone. Later that day, I was able to finally reach someone on the unit, whose voice I did not recognize. I was familiar with most of the staff on my father's unit, but I was not familiar with this woman's voice. This woman told me that my father was having a good day, and his temperature was 97.1°. She told me that I could not speak to my father because he was having dinner, which was being fed to him.

14. On March 29, 2020, again, I had a hard time getting through on the telephone to someone on my father's unit. Later that day, someone finally picked up the phone, and I could hear that it sounded very chaotic on the unit. This woman told me that my father had a temperature of 101.8° and that I could call Elfa in the morning if I wanted more information.

15. On March 30, 2020, I received a call from Fulton Commons telling me that my father had died.

Rg

16. I received my father's death certificate in the beginning of May 2020, and it listed the cause of my father's death as cardiac arrest due to cardiovascular disease. My father never had any prior problems with his heart.

17. I called Fulton Commons and spoke to Dr. Johnson, the doctor who signed my father's death certificate. I asked Dr. Johnson how he determined my father's cause of death. Dr. Johnson told me that it was his "best guess" for someone of my father's age. Dr. Johnson also told me that my father was being treated with Hydroxychloroquine and Zithromax, which I didn't know.

18. Dr. Johnson told me that he was not allowed to list COVID-19 as the cause of death despite these medications because they were not testing for COVID. I asked Dr. Johnson about the chest x-ray and blood work that was ordered for my father. However, Dr. Johnson never saw those reports. I also did not see the chest x-ray or blood work on the medical records I received.

19. I received my father's medical records and, after reviewing them, I did not see Hydroxychloroquine or Zithromax in his records prior to his death. Because of COVID-19, I felt cheated that my father did not have someone with him when he passed away, and I was unable to have a funeral service for him.

20. If I had known how sick my father really was, I could have had him sent to the hospital for treatment or been able to visit or speak with him prior to his death.

21. Since I lived close to Fulton Commons, I was able to visit my father frequently prior to COVID-19. After the lock-down in the middle of March 2020, I was no longer able to visit, and I began to receive robocalls every day. I recognized the voice on the robocalls to be Fulton Commons' Administrator Cathie Doyle.

Rg

22. I blame Fulton Commons for the way they handled the COVID-19 pandemic. I was told there was no COVID-19 in the building, and there was. Every day I would receive a robocall that they were happy to say there was no COVID-19 in the building. Fulton Commons was negligent in informing the families of the residents of COVID-19 infections in the building. I believe that the cause of death on my father's death certificate should have been listed as COVID-19 because my father did not have cardiovascular disease.

Rosemary Gregus
ROSEMARY GREGUS

Sworn to before me this
28 day of SEPT 2022

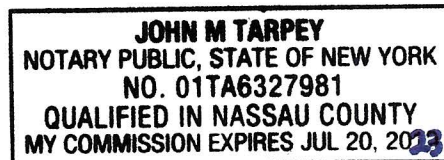
John M Tarpey

Notary Public, State of New York

No. _____

Qualified in _____ County

Commission Expires: _____



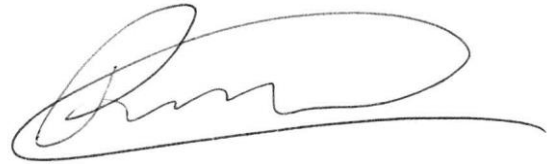
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 1,363 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

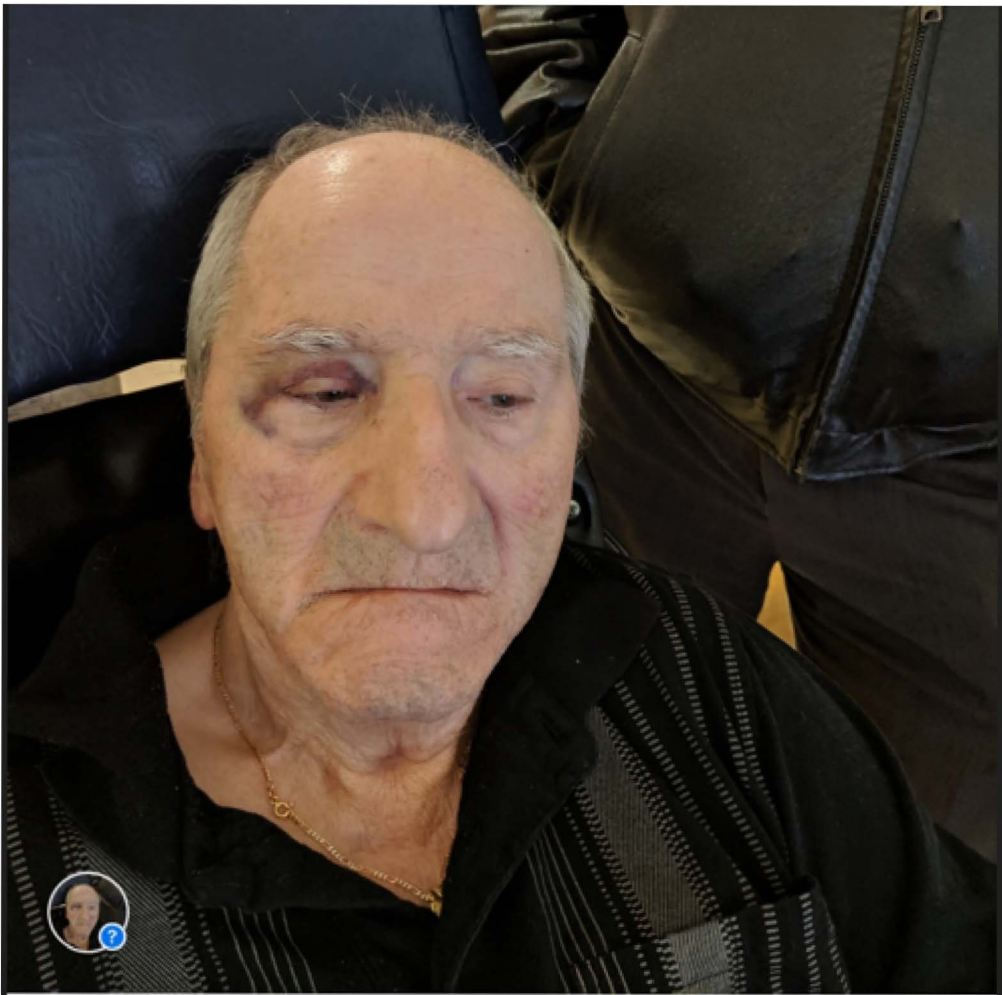
Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in dark ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov



In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
FRANK HOERAUF, JR.**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

FRANK HOERAUF, JR., being duly sworn, attests as follows:

1. I am the son of F.H., a former resident of Fulton Commons Care Center, Inc. ("Fulton Commons"), a nursing home located at 60 Merrick Avenue, East Meadow, New York 11554.
2. My father resided at Fulton Commons from approximately May 2018 until he died on July 25, 2020. He was 87 years old when he died.
3. I am 60 years old and currently reside in Seaford, New York.
4. I am self-employed at a local Amish craft barn.
5. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons and set forth below my experiences and observations while caring for and speaking with my father as a resident of Fulton Commons.
6. My father was a resident of Massapequa, New York, who retired from the Nassau County Police Department in 1981 after more than 21 years of service. He worked in the First Precinct, which covered the area near Fulton Commons, and the Seventh Precinct. He had five children, including one adopted child, and nine grandchildren.



7. My father had dementia, was blind in the left eye, and could only see shadows out of his right eye. He required a wheelchair to move around, and he also needed to wear a disposable adult brief. My father had hearing problems requiring a sound amplifier. My father also used dentures. When my father was admitted to Fulton Commons in May 2018, he was placed in a room on the second floor. It is my understanding that Fulton Commons has a dementia unit on the fourth floor, so I never understood why my father was put on the second floor.

8. I visited my father about two times a week and spoke to him on the phone about three times a day. My father liked McDonald's food, and I usually brought him some when I visited.

9. Whenever I visited my father at Fulton Commons, no one was ever around. I never saw anyone working near my father's room. The air in the building smelled like urine. There were no activities to keep him mentally motivated.

10. Within weeks of my father's admission to Fulton Commons, my father told me that he took his dentures out after eating and he forgot his dentures on the food tray. He told me that a Fulton Commons employee threw his dentures out with the food trash. I complained to Fulton Commons staff about this. It took me almost a month and a half to replace my father's dentures. I am not sure what accommodations, if any, were made for my father during that month and a half while he had no dentures and could not chew food.

11. The staff at Fulton Commons never cut my father's hair or fingernails and I had to take care of that myself. I saved a voicemail from my father, attached to this Affidavit as Exhibit 1, in which my father asked me to come and cut his hair because it was so long it was covering his eyes.

A handwritten signature in black ink, appearing to be the letters 'FA' in a stylized, cursive font.

12. My father's belongings also went missing frequently. I had to replace my father's blankets several times because they would disappear, and I had to start marking my father's room number on the blankets to prevent them from disappearing. I had to buy him new clothing several times as his clothing would disappear as well. Fulton Commons never reimbursed me for my father's missing clothes. Attached as Exhibit 2 to this Affidavit are two photos of my father that I took while visiting him on October 25, 2018 and December 16, 2018. In the photo from October 2018, he is only wearing a hospital gown. In the photo from December 2018, he is sitting in a disposable adult brief and is not wearing pants. I don't know how long he was sitting there without any pants that day prior to my arrival. These were not the only times I visited my father and found him in a state of undress. This had occurred on approximately six other occasions as well.

13. Hoping to obtain better care for my father, I tipped two Fulton Commons aides \$40-\$60 every four weeks. Despite these efforts, I did not notice an improvement in my father's care.

14. When I visited my father around May 21, 2019, I was shocked to see that my father had a severe cut on his face. Attached to this Affidavit as Exhibit 3 is a photo of my father's injuries from that day. The staff at Fulton Commons never explained to me or my family what happened to my father's face. I believe that my father may have fallen and cut his face on the broken dresser beside his bed. The dresser was missing a drawer and had exposed screws poking out of it. Photos of the broken dresser are attached to this Affidavit as Exhibit 4.

15. Just prior to the COVID-19 lock-down, my father contracted a urinary tract infection ("UTI") during the time he was at Fulton Commons, and nothing was done to help him with it. There was one occasion when I was on a FaceTime call with my father, and he was screaming in pain from the UTI. I immediately called the nurse's station, and the nurse I spoke

with said my father was resting comfortably. I asked the nurse how she could not hear my father screaming as he was only 20 feet away.

16. During early May 2020, I was unable to communicate with my father for several days and became concerned about his welfare. I had to call 911 and ask the Nassau County Police to check on him because I could not reach anyone at the facility.

17. The last time I saw my father was May 21, 2020, at the first and only outdoor visit Fulton Commons organized while he was there. Attached to this Affidavit as Exhibit 5 is a photo I took of my father at this visit.

18. When my father died on July 25, 2020, I had to identify his body at the funeral home. When I did this, I saw a bruise on my father's shoulder. No one from Fulton Commons could explain why my father had this bruise.

19. From my perspective, Fulton Commons is a place where people go to die. Fulton Commons seems like it was operated to be a cash machine for the owners where the care and the quality of life for residents there was very poor.


FRANK HOERAUF, JR.

Sworn to before me this
22 day of SEPT 2022

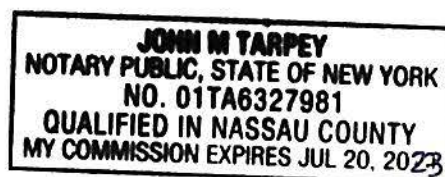


Notary Public, State of New York

No. _____

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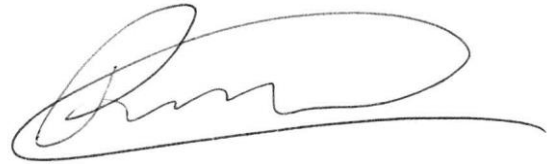
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 1,094 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov

NOTICE OF HARD COPY EXHIBIT FILING

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Filing/Retaining Party: Office of the NYS Attorney General, MFCU

Brief Description (e.g., map, videotape, etc.) Voicemail

and, in either case, has been or will be served in hard copy on all parties in this action, with proof of service filed electronically

Dated: December 12, 2022

Prabhjot Sekhon

Name

NYS Attorney General, MFCU

Firm/Department

300 Motor Parkway, Ste 210

Street Address

Hauppauge, NY 11788

City, State and Zip Code

631-952-6400

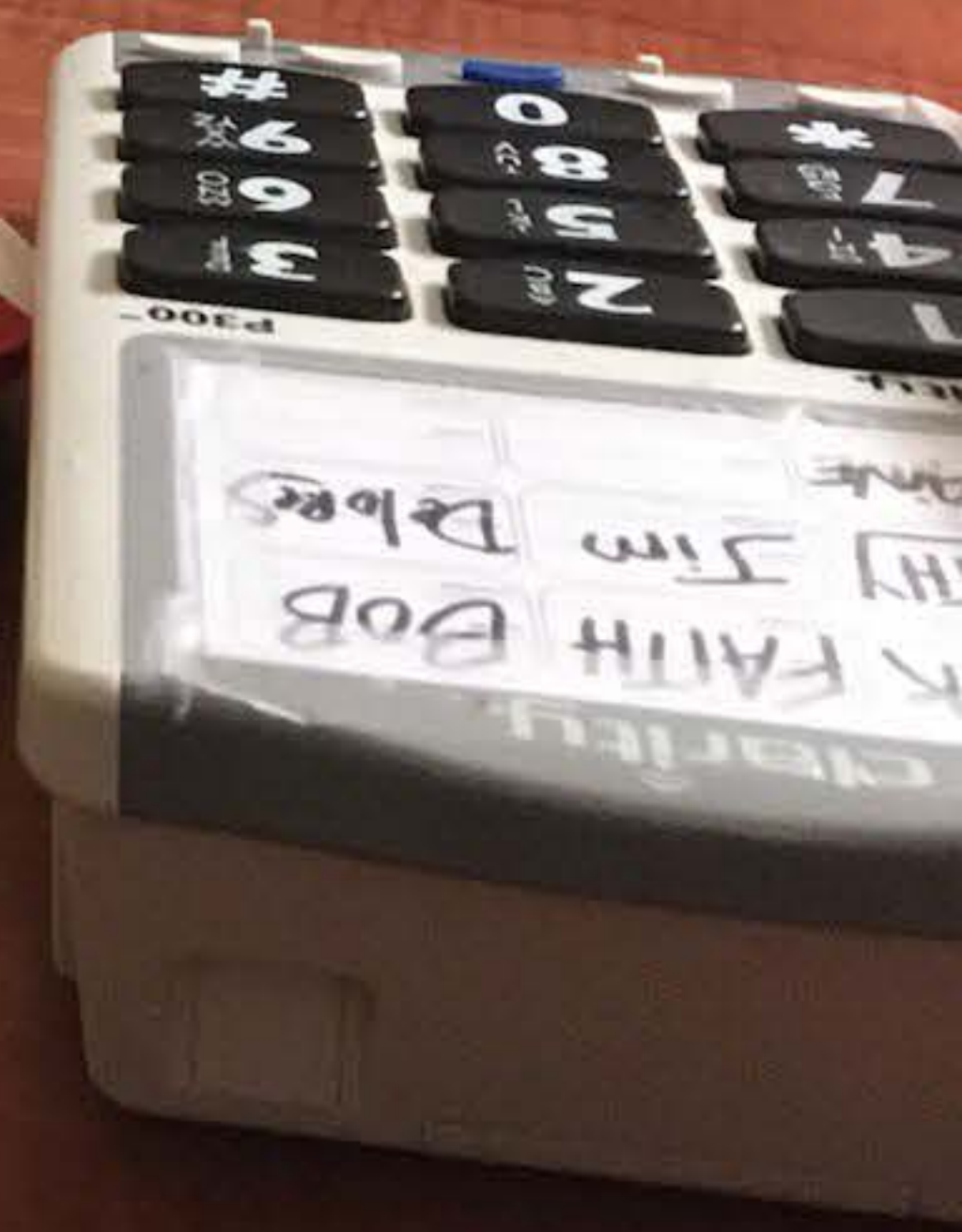
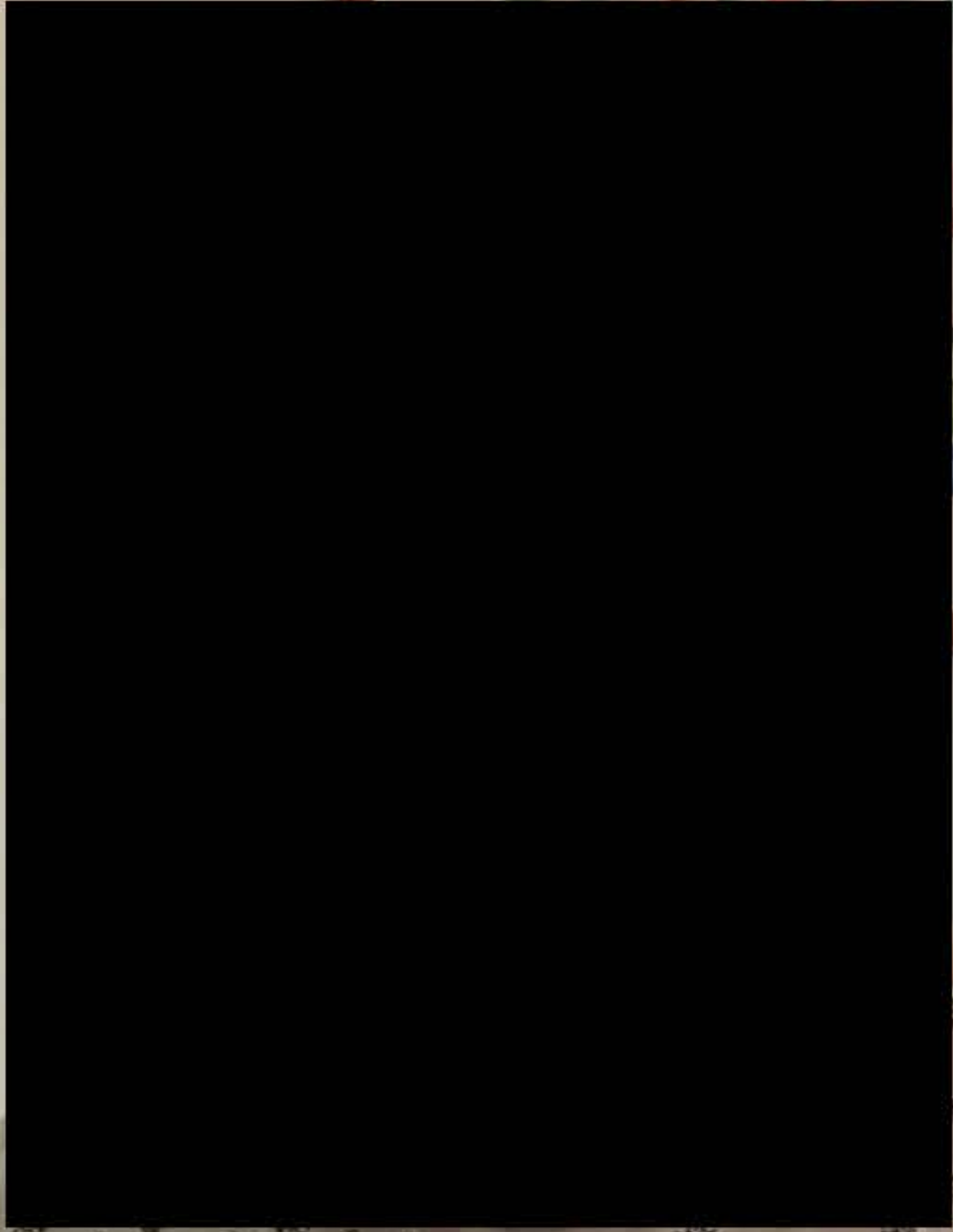
Phone

Prabhjot.Sekhon@ag.ny.gov

E-Mail Address



USE CALL
BELL











In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
FELICIA LENNON**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

FELICIA LENNON, being duly sworn, attests as follows:

1. I am the wife and healthcare proxy of D.L. My husband is a former resident of Fulton Commons Care Center, Inc. ("Fulton Commons") located at 60 Merrick Avenue, East Meadow, New York 11554.

2. I currently reside in Levittown, New York.

3. I submit this Affidavit in connection with the New York State Attorney General's Investigation into Fulton Commons, and set forth below my experiences and observations while caring for and speaking with my husband while he was a resident of Fulton Commons.

4. My husband, D.L., was born in 1968 and was previously employed as maintenance staff. His work location was Delta Airlines Cargo at J.F.K. International Airport, New York.

5. My husband was a resident at Fulton Commons from on or about September 17, 2021 to February 2, 2022. Prior to my husband's admission to Fulton Commons, he had several strokes, including three that occurred in 2021. Prior to my husband's admission to Fulton Commons, he was hospitalized at Mercy Hospital in Rockville Centre, New York. He is a fall risk because of right-sided weakness.

ML

6. My husband's ability to communicate and recall information is not that great, but it is not completely off. As a result of his strokes, he has expressive aphasia, which makes it difficult for him to express himself. He has some confusion but is able to make his needs known.

7. While my husband was at Fulton Commons, I believe he was initially assigned to room 113 and later assigned to room 312.

8. When my husband first arrived at Fulton Commons, any comments that I relayed to staff regarding my husband's care fell on deaf ears. When I told the staff that my husband needed help with using the bathroom, as further detailed below, they were not responsive to his needs.

9. The Fulton Commons social worker was difficult to get in contact with and would either not return my telephone calls or there was a lengthy delay in returning my calls.

10. I observed the staffing levels at Fulton Commons to be very low. There were instances where I saw only two certified nurses aides working on a floor. I also frequently observed low levels of staff on the weekends.

11. On or about October 11, 2021, my husband rang the call bell for assistance to go to the bathroom, but no one responded to the bell for an extended period of time. My husband requires assistance to walk to the bathroom. As a result of the delay in response from Fulton Commons staff to the call bell, my husband was unable to get to the bathroom and defecated on himself. When the aide finally responded to the bell, she yelled at my husband and told him that she was not cleaning him up.

12. On or about October 13, 2021, my husband fell while attempting to go to the bathroom unassisted when Fulton Commons staff failed to respond to his call bell. My husband suffered some soreness from this fall. After this incident, my husband told me he was fearful that

if he accidentally urinated or defecated on himself again as a result of not getting to the bathroom, he would be yelled at by Fulton Commons staff.

13. I requested that Fulton Commons staff check on my husband every two hours to see if he needed to use the bathroom so as to avoid urinating or defecating on himself again, and to check on him to see if he had fallen.

14. On or about October 19, 2021, I learned from a speech pathologist that my husband was confused and groggy, not feeling well, and was still in his nightgown at 3 p.m., which was unusual. The speech pathologist further advised me that my husband had been slumped over and was asleep in his chair, and that the speech pathologist thought someone had notified me. When I learned of this, I insisted that my husband go to the hospital, because I was afraid he would have another stroke. He was eventually taken to North Shore Manhasset Hospital, where it was determined that he had a urinary tract infection, which was causing him to feel sick and groggy. My husband was treated and sent back to Fulton Commons.

15. On or about October 24, 2021, my husband told me that when my he rang the call bell for assistance to go to the bathroom and no staff member responded to the bell, he tried to walk to the bathroom without assistance and fell on the floor of his room and remained there for approximately 5 hours until he received help.

16. I was concerned that my husband would try to hold his urine because of the history of Fulton Commons staff members yelling at him, which would have likely led to him developing another urinary tract infection.

17. I reported the incidents referenced above to the Fulton Commons Director of Nursing and the Fulton Commons Assistant Director of Nursing.

18. I filed a complaint with New York State Department of Health on or about October 26, 2021, regarding the care my husband received at Fulton Commons.

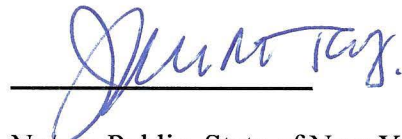
19. I believe it is essential for family members of residents to be involved with Fulton Commons staff to ensure residents receive adequate care.



FELICIA LENNON

Sworn to before me this

24 day of Sept 2022

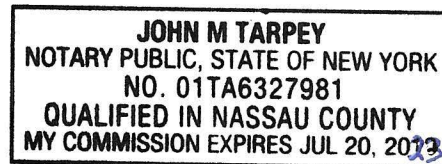


Notary Public, State of New York

No. _____

Qualified in _____ County

Commission Expires: _____



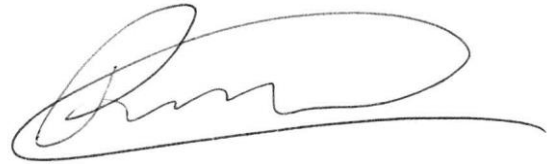
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 889 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov

In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
DIANA MEJIA**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

DIANA MEJIA, being duly sworn, attests as follows:

1. I am 56 years old years old and reside in Fresh Meadows, New York.
2. I am employed by the New York City Department of Education as a family case worker.
3. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons Care Center, Inc. ("Fulton Commons") and set forth below my experiences and observations while caring for and speaking with my mother, J.C., while she was a resident of Fulton Commons, a nursing home located at 60 Merrick Avenue, East Meadow, New York 11554.
4. My mother was born in 1938. She was an elementary teacher in Colombia. When she came to the U.S., my mother worked as a sample dress maker for a company called Periwinkle and worked at two banks in New York City doing maintenance.
5. My mother resided at Fulton Commons from August 13, 2021 until December 23, 2021, when I had her transferred to Woodcrest Rehabilitation and Residential Health Care Center ("Woodcrest Rehabilitation") in Flushing, New York. My mother suffered from dementia.



6. When my mother resided at Fulton Commons, I visited her every day, or every other day, between 3:30 p.m. and 4:30 p.m. and stayed until about 6:00 p.m.

7. For the first three weeks of her stay at Fulton Commons, she lived on the third floor. She loved to walk around the unit, which the staff said made her a handful because the staff had to keep on top of where she was, though there were times when she may not have been closely supervised because she was able to get through the doors of her unit and walk down the stairs. I was told by an aide that, on one occasion, my mother walked down the stairs and almost reached the first floor. Fulton Commons put an ankle alarm on my mother and moved her to the dementia unit on the fourth floor where the doors were locked.

8. My mother was verbal and enjoyed being around people. I would take my mother back to the ^{main} ~~third~~ floor where they had activities, such as bingo.

9. Around the same time that she was moved to the fourth floor, I noticed that she had mouth odor. I could tell that Fulton Commons was not taking care of my mother's oral hygiene, and I told a certified nurse aide, whose name I do not recall, about this issue. My mother had upper dentures. I often had to remove them myself and clean out the food particles because they were not cleaned by Fulton Commons staff. I also cut my mom's nails because Fulton Commons staff did not do it.

10. I would also bring my mother food, and if I was not there prompting my mother to eat, she would not eat. I told a nurse, whose name I do not recall, that someone needed to be with my mother to make sure that she ate.

11. My mother wore an adult brief and needed assistance to use the bathroom because she was often confused and not sure where it was. My mother thought the garbage can was the toilet. If she had the idea of going to the bathroom but was disoriented, she would just urinate on

the floor. I spoke with a nurse, Nicole, about my mother pulling her brief down and going to the bathroom. Nicole and I spoke about the possibility of putting a one-piece garment on her so she could not pull her pants down. My mother's room started to smell like urine.

12. During a visit with my mother in the Fall of 2021, I noticed that my mother was poking at her right side. I asked my mother what happened and what was wrong, and she said her side hurt. I took my mother to her room and tried to lay her down in bed, but she was in a lot of pain. My mother indicated that her groin and hip area was tender. I called a nurse, whose name I do not remember. The doctor, whose name I do not remember, came to look at my mother and ordered x-rays. The results showed that no bones were broken. No one at Fulton Commons knew what happened to my mother or why she was in pain.

13. On December 15, 2021, at approximately 8:00 p.m./9:00 p.m., I received a phone call from Fulton Commons saying that my mother had fallen and was being taken to Nassau University Medical Center ("NUMC"). I was told that my mother had an injury to her forehead. When I arrived at the hospital, my mother seemed to be acting like herself. She had a cut on her forehead but did not need sutures. I was told that my mother was going to return to Fulton Commons. I stayed with her until 2:00 a.m. the next day (December 16, 2021).

14. On December 16, 2021, at approximately 9:00 a.m., a nurse named Nicole called me to let me know that my mother had arrived back at Fulton Commons. She said my mother was giving hospital staff a hard time, so they gave her something to calm down and that she was sleepy. Nicole told me that they were going to put my mother in a recliner and place her in the dining room to be monitored.

15. Later, at approximately 12:00 p.m., as I was on my way to Fulton Commons to see my mother, I received a phone call from a nurse who told me that my mother had been in bed in



her room and that she got up and fell. That nurse told me my mother was on her way to NUMC by ambulance. That nurse also told me that my mother was on 15-minute checks. The nurse said that my mother must have gotten up to go to the bathroom and slipped on her urine.

16. When I arrived at NUMC, my mother was not my mom. She was not herself. Her face was swollen, and she was bleeding from her nose. My mother's left eyebrow was cut, and her eye was closed shut from swelling. She was reacting badly to what was happening around her and not handling the situation well. She pulled her I.V. out and was grabbing at staff. They had to hold her down. The x-ray results from the hospital showed that my mom had a brain bleed, broken cheek bone, broken eye socket, and broken jaw.

17. My mother was in the Critical Care Unit ("CCU") at NUMC until December 23, 2021. My mother did not know who I was and had no reaction to anything I said to her. She stopped talking and stopped walking.

18. Attached to this Affidavit as Exhibit 1 are nine photos, which reflect the injuries that my mother sustained from both falls on December 15 and December 16, 2021.


A handwritten signature in blue ink, located in the bottom right corner of the page. The signature is stylized and appears to be a combination of initials and a surname.

19. On December 23, 2021, my mother was transferred from NUMC's CCU to Woodcrest Rehabilitation. My mother never recovered from her fall at Fulton Commons and continued to decline until she ultimately died in February 2022 from complications related to COVID-19.



DIANA MEJIA

Sworn to before me this
26 day of SEPT 2022



Notary Public, State of New York

No. _____

Qualified in _____ County

Commission Expires: _____

JOHN M TARPEY
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01TA6327981
QUALIFIED IN NASSAU COUNTY
MY COMMISSION EXPIRES JUL 20, 20**23**

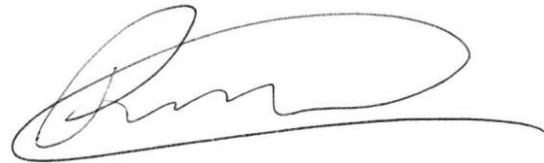
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 1,200 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a long horizontal flourish extending to the right.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov



















In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
TAMI MILACK**

STATE OF NEW YORK)
)
COUNTY OF _____) ss.:

TAMI MILACK, being duly sworn, attests as follows:

1. I was the health care proxy for my mother-in-law, E.M., a former resident of Fulton Commons Care Center, Inc. ("Fulton Commons"), a nursing home located at 60 Merrick Avenue, East Meadow, New York 11554.

2. I am 52 years old and currently reside in Levittown, New York. I work part-time as a secretary at a real estate closing office.

3. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons and set forth below my experiences and observations while caring for and speaking with my mother-in-law while she was a resident of Fulton Commons from 2015 to her death at Fulton Commons on November 20, 2020.

4. My mother-in-law was born in 1929. She had three sons, four grandchildren, and seven great-grandchildren. She enjoyed visiting friends, reading, and going to concerts. She was admitted to Fulton Commons in 2015 for rehabilitation after losing a foot due to diabetes. She was diabetic when she was first admitted at Fulton Commons, but by some point in 2019 she was no longer diabetic due to significant weight loss. She died at Fulton Commons on November 20, 2020,

TM

at the age of 91. I was so sad that she died. I do not wish to experience anything similar in the future. I am unable to articulate my emotions regarding what transpired.

5. Fulton Commons was understaffed the entirety of my mother-in-law's stay. My mother-in-law required assistance getting out of bed because she had a prosthetic leg, and sometimes the staff would not get her up and out of bed until 9:00 a.m. My mother-in-law would ring the call bell for an hour to get help to go to the bathroom.

6. My mother-in-law had a personal cell phone with her at Fulton Commons, which she often used to communicate with family members. I provided copies of various text messages to the Attorney General's Office, and they are attached to this Affidavit as Exhibit 1. In a text message dated prior to October 29, 2017, she stated, in sum and substance, that the facility does not hire new aides and that they only had four aides working. Ex. 1 at 1. Furthermore, in a text message dated April 15, 2018, my mother-in-law stated to her son, "Oh Brian, last night we had no aides here working. No one came to see about a diaper change." *Id.* at 2. In addition, in a text message dated June 6, 2019, at 9:42 a.m., my mother-in-law stated, "Of course everything was late today. Just finished breakfast." *Id.* at 5.

7. On one occasion, Fulton Commons had no water for a week, so my mother-in-law did not get a shower. In a text message dated June 6, 2019, she stated, "The place here 3rd 4th and 2nd West floors flooded with water. The water pipes burst. Here it is morning and we still have no water...Can't even cook without water." *Id.*

8. My mother-in-law sent multiple messages to my husband complaining about the food at Fulton Commons; she lost weight because the food was horrible. In a text message dated prior to August 29, 2018, she stated, "Everything here is getting worse. I order a hard boiled egg every day for all the time I am here. Well today I cracked my egg opened and out flowed the raw

egg. I was shocked. Then my aide told me everyone got the same thing.” *Id.* at 8. Furthermore, in a text message dated December 20, 2018, she stated, “Just the food alone has gotten awful I should say disgusting. Had no lunch again today. Pretty soon I will be down to one hundred pounds.” *Id.* at 11.

9. Fulton Commons failed to properly launder my mother-in-law’s clothing during the pandemic. In a text message dated prior to March 22, 2020, she expressed that her clothes were not being washed and that she had to wash her own socks because she was running out of them. Additionally, on July 14, 2020, I picked up her purportedly washed clothing from Fulton Commons; the clothing was covered in feces. I provided various email exchanges to the Attorney General’s Office, and they are attached to this Affidavit as Exhibit 2. In an email dated July 15, 2020, I contacted Cathie Doyle, Administrator at Fulton Commons (“Administrator Doyle”) regarding various issues surrounding the care of my mother-in-law. In one portion of the email, I stated, “The laundry wasn’t done while they were in lock up. I was told it was being done. The laundry was lost. Yesterday I picked up laundry that is weeks old, covered in feces!” Despite my email, Ms. Doyle, in an email response dated July 16, 2020, maintained that Fulton Commons washed my mother-in-law’s laundry during the pandemic. Conversely, in a rather contradictory email exchange. Ms. Doyle stated that it was her understanding that I did her laundry and, therefore, Fulton Commons was not responsible.

10. I wanted to transfer my mother-in-law to a different nursing home. Employees at Fulton Commons reportedly spoke with her behind my back and then informed me that she did not wish to be transferred. They indicated that this satisfied them and that they have no desire to debate the topic further. I was urged by the personnel at Fulton Commons to desist from contacting or emailing them considering my mother-in-law's expressed desire to remain in Fulton Commons.

I felt powerless. Fulton Commons provided me with information that directly contradicted a myriad of text messages whereby my mother-in-law expressed how unhappy she was at Fulton Commons, even going as far as saying that she would rather be confined to a jail cell than continue to reside there. Furthermore, in an email dated July 16, 2020, I informed Administrator Doyle that I just got off the phone with my mother-in-law and that she was very interested in leaving the facility. *Id.* She was never transferred.

11. My aunt, T.C. (my mother-in-law's sister) was also a resident of Fulton Commons, and she would bring my mother-in-law into her own room so they could eat together. My aunt called me to inform me that my mother-in-law was not doing well. She was not eating and sleeping excessively. Fulton Commons made no attempt to inform me of this.

12. During my mother-in-law's stay at Fulton Commons, there were times when she was not given her medication. In a text message dated May 19, 2018, she stated, "On Sat night I never get my eye drops or my Tyl[e]nol... I [called the nurse] a few times and the aide came instead I told her and she said she would tell her it she never came so I said forget it." Ex. 1 at 4. In another text message dated prior to July 18, 2018, she stated, "... I never got an antibiotic to stop the bleeding so when I wipe myself [in] the bathroom there is blood. I haven't gone to the bathroom since two o'clock so I don't know if there is blood on my pants." *Id.* at 7.

13. Fulton Commons wanted to place a permanent port in my mother-in-law's arm for the administration of antibiotics. I informed Fulton Commons that I did not want my mother-in-law to have a permanent port in her arm; I wanted her to get her medication in the customary fashion. I received a voicemail a few days later from the charge nurse (name unknown), informing me that my mother-in-law was doing well and that the port had been inserted successfully. I immediately contacted the charge nurse to tell her that my mother-in-law had expressed her

opposition to the port being implanted within her. The charge nurse responded by asserting that my mother-in-law made her own choice. However, in text message dated July 7, 2020, my mother-in-law expressed to her son, Brian, in no uncertain terms that she did not want a port in her arm. *Id.* at 20. Furthermore, in an email dated July 15, 2020, after I learned that a port was implanted in my mother-in-law's arm, I emailed Fulton Commons Administrator Cathie Doyle, stating, "I specifically told them not to put a port in [E.M.] for antibiotics, they did it anyway." Ex. 2 at ___. Fulton Commons continued to maintain that my mother-in-law consented to the implantation of the port. *Id.*

14. The first time that I was contacted by a doctor at Fulton Commons was right before she died, almost six years after she began residing there. Fulton Commons staff never informed me that my mother-in-law's remaining foot became infected in January 2020. I found out about the infection after my mother-in-law took pictures (with her cell phone) of her foot and sent them to me. I provided these photographs to the Attorney General's Office, and they are attached to this Affidavit as Exhibit 3. Prior to January 15, 2020, my mother-in-law, via text message, stated in sum and substance that the infection occurred in her foot after the podiatrist took out an ingrown toenail and "since then problems it got infected all red almost to my ankle...Have not seen the podiatrist since he did this." Ex. 1 at 13. In additional text messages, she expressed that she was suffering from the worst pain she has experienced in her life as a result of the infection. On May 21, 2020, she expressed, "Foot and leg are killing me. Waiting for pain pill. Hope it comes soon. If not I will buzz for her. I had a lot of pain in my life but believe me this is by far the absolute wors[t] I have ever had. Absolutely awful and I have had pain." *Id.* at 17. On June 14, 2020, my mother-in-law stated via text message, "I am sorry I didn't write sooner but I have been having a lot of problems with my leg. Hurts, home care nurse comes in puts medicine on it, tells me it's

ready to fall off (just what I want to hear) and leaves. I told her no God will be good to me and take me before it falls off.” *Id.* at 19. On August 9, 2020, via text message, my mother-in-law stated, “I am just so so. My foot is awful hurts the most when I got to bed at night. During the day it’s ok but at night the pain is unbelievable. Pain pill has to be taken. Just awful. Toes are all infected now [and part of] my upper foot is dying and will soon fall off. I am hoping the good Lord will take me before that happens. I don’t think I could stand it. It’s unbelievable.” *Id.* at 21. Additionally, in text messages dated August 13, 2020, she stated, “...[A] doctor was in yesterday, talked to me about my foot and said my toes should be cut off. I said forget it. He of course pointed out that the infection will probably kill me...” *Id.* at 22. Even though my mother-in-law’s foot began to turn black because of the infection, as shown in the photographs referenced above and attached as Exhibit 3, Fulton Commons did not send her out to a hospital.

15. A week before she passed away, the doctor called and told me that if they do not amputate her foot she was going to die. Before that, no one at Fulton Commons ever told my family how sick she was.

16. On November 20, 2020, at approximately 11:00 a.m., I attempted to visit my mother-in-law. The staff at Fulton Commons turned me away and informed me that her condition was not serious enough for me to visit and that I must wait until she is totally unresponsive. At 12:22 p.m., I emailed Carol Frawley, Director of Nursing at Fulton Commons. I stated, “I have been speaking with doctors and nurses. Apparently [E.M.] is not doing well. They have basically told me that this is the ‘end’ actually those were the exact words the rude doctor told me. I am trying to arrange to come up to visit before it’s too late, and I am being told that I can’t until she is totally unresponsive...which seems INSANE...as I’m sure that is not the case...I am reaching out to you to get permission to be able to come up to see and say goodbye before she is

unresponsive.” A mere minutes later, at approximately 12:30 p.m., the head nurse called to inform me that my mother-in-law had died and to offer my family and I their profound sympathies. At that point, they were rushing me to come to Fulton Commons so that I could identify the body. I am so sad that Fulton Commons staff turned me away and did not allow me to see my mother-in-law before she died.


TAMI MILACK

Sworn to before me this
20th day of SEPT. 2022



Notary Public, State of New York
No. 01LU6020890
Qualified in SUFFOLK County
Commission Expires: MARCH 8, 2023

PATRICK LUBIN
Notary Public, State of New York
No. 01LU6020890
Qualified in Suffolk County
Commission Expires March 8, 2023

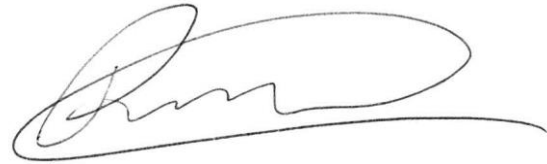
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 2,138 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov

Good I will be waiting for your call.

Jul 2, 2019, 11:42 AM

Brian, I had to write you with the latest ridiculous things this idiot of an Administrator is doing. Believe me Brian between the food now the diapers I want to die. I am going to stop eating so I will go to my maker. We have to now only wear the color diaper that was on yesterday when her idiot relatives came and looked at everyones diaper to see what color we had on. It was written on my chart and that's what I have to wear. I also wear a pull up one pull-up all day she is going to ban that. GET ME OUT OF HERE OR TELL ME WHAT I CAN TAKE TO KILL MYSELF. SHE IS A FREAKING MANIAC. I DON'T KNOW WHAT IS WRONG WITH HER. SHE IS A REAL NUT JOB. I HATE THIS PLACE. I DON'T WANT THIS TO HAPPEN BUT I WISH ALL THE AIDES PULL A WALKOUT AND LEAVE HER WITH NO ONE. The sad thing is she fired all the old staff members I don't mean aides and put her relatives in.

I never heard of such a thing. She is paying off someone in the State big time. This place used to be good now it stinks. She is paying off someone in the State big time. In the past three weeks I know of three people who left. The family took them home and have an aide. It turns out it's cheaper. One lady has two feeding tubes in her stomach and her husband said paying for an aide to him was worth it. Believe me she dirtied the floor each night lost her food she was one who really needed to be in a place like this. I was glad for her. I am telling Bruce to get his lawyer to work harder to get me out there. How one person can ruin a place that was so good I can't believe. I still am afraid to approach her with all this stuff because she will take it out on me. I can do nothing my family can.

Jul 4, 2019, 10:41 PM

Happy Independence Day
Sorry busy day. Getting ready for
to the club for fireworks...

Anyway, Happy 4th. Hope you ha

Jul 10, 2019, 7:58 AM

Sorry Mom, it has been a crazy w
nice, but boy those 4 days went :
crazy because our parent comma

Mar 18, 2020, 6:10 PM

Hi Mom, sorry I didn't get to call. B working as our Governor has closed impacts work... Crazy times. Hope try to call during the week.

Don't worry about me. I am ok. Foot is killing me but it does every night when you do nothing. I really would like it to fall off. Probably won't. I really want this flu thing to get better so we get back to normal. No visitors no clothes being washed. Tami can't come up. We are in lock down no one can. Come in at all. No visitors. Just awful. I now have to wash my socks. Running out of them.

It sure is crazy.

It is crazy. I didn't know you were or guessed that you were. All of the nu are as well. Don't know what we're c for work. I've never seen anything lil

It is crazy and what gets me so darn mad is these stupid Democrats blame Trump. Never heard anything so stupid. Only one person can stop this crazy virus and that is God. I wish he would.

I agree. I'm not Trumps biggest fan excellent job with this.

Mar 22, 2020, 7:11 PM

Sunday, March 22, 2020

Hi Mom, sorry I didn't get to call too. Still going to work tomorrow, but I t down either later this week or next.

....

I'll try to call tomorrow evening.

Ok I figured you were busy. We are still on lock out. Tami could pick up clothes today and bring back ones she washed two weeks ago. It's absolutely horrible. She had to wait in the space between the door on the sidewalk and the inside door then aide brought clothes to her. The clothes she brought back the aides brought to her. This place is a ghost town. Unbelievable. I really believe it's the end of the world and we will all be gone as God finish's

What he has started. My only regret is that I won't be able To see my boys all together again as brothers. I will when I get to heaven, I hope. Take care of yourself. Are people sick at work?

Done

 Texts

Jul 7, 2020, 7:21 PM

Hi Brian, I wanted to let you know that the Doctor wants to give me a new medicine interveinously I am telling him no. After three bags intervenisly then putting something on my arms that feeds me me-all medicine all the time. I DO NOT WANT IT. I JUST WANTVTHEM. TO DOVWHAT THEY ARE DOING NOW. NOTHING NEW. HOPE YOU AGREE. THEY WANTVTO STSRT TOMORROW. NO WAY.

It's medicine for the infection in my leg.

Antibiotics. This way they c
stomach. But like I said it is

Yes it is a new medicine.

It's a new Antibiotic three shots in the arm then the port on your arm.

Well, you know you have a bo
give you antibiotics orally or i
you. But you will have to take

Three shots in the stomach. Yes intake them now. Have had them two days interviews yesterday

They're tryin

Jul 20, 2020, 1:56 PM



Done

[REDACTED] Texts



Hi Mom. Are you oka

Aug 13, 2020, 10:37 AM

Hi Brian, yes my phone works but I forget to look at the ringer. How I hold the phone I always stop the ringer from ringing. They put the button at a stupid place. That where I hold my phone. The place is open but still no visitors. Don't know if we will ever get them back. Jerks likes it this way no one to walk the halls. She is such an idiot. FIRED is what should happen to her. That would be doing her a favor. Honestly the place is no longer good. I would never pick it now if I had to pick a place.

Brian I don't know if Bruce talked to you yet, but a Doctor was in yesterday, talked to me about my foot and said my toes should be cut off. I said forget it. He of course pointed out that the infection will probably kill me and I said to him, so what, when my time is up the good Lord knows what to do, he will take me. He looked at me and said he was calling my three sons. I said ok. But no matter what you guys say my answer counts since I still have my brain. I say NO one leg was enough. Hope all of you agree. Answer is NO.

Aug 16, 2020, 4:26 PM

Hi Mom, I tried to FaceTime you
you okay?

Aug 18, 2020, 8:08 AM

Hi Mom. Hap

Aug 18, 2020, 10:50 AM

Brian, you will never get me because the stinking phone doesn't charge so it never works. I hate to say this but the phone was a lemon, didn't work from the beginning. Since you are in SC and who knows when you can get up here again I think I am going to tell Dennis to buy me a new one and when you do come up you can return it to where you bought it. IT WAS A LEMON TO BEGIN WITH. WHEN YOU



Done

[REDACTED] Texts

**Sunday August 09, 2020**

Hi Mom. Sorry the day got away until I don't have to squeeze ever I'll call you during the week. How

Aug 9, 2020, 8:11 PM

I am just so so. My foot is awful hurts the most when I go to bed at night. During the day it's ok but at night the pain is unbelievable. Pain pill has to be taken. Just awful. Toes are all infected now parting my upper foot is dying and will soon fall off. I am hoping the good Lord will take me before that happens. I don't think I could stand it. It's unbelievable. I am beginning to think that I should of had the leg cut off, even I didn't want too. I just want the good Lord to take me soon before I have to suffer anymore. It is awful. Hoped to see you again soon before anything happens but at this point I am not sure. Always remember that there was always special place in my heart for my first born. Not that I didn't love your brothers I did but my first born held a special place in my heart always.

Aug 12, 2020, 12:00 PM

Hi Mom

I tried calling you twice on Mon. Work has been insane. How are you again? Have you had any visitors

again? Have you had any visitors

Aug 13, 2020, 8:29 AM

Hi Mom. Are you ok?

Aug 13, 2020, 10:37 AM

Hi Brian, yes my phone works but I forget to look at the ringer. How I hold the phone I always stop the ringer from ringing. They put the button at a stupid place. That where I hold my phone. The place is open but still no visitors. Don't know if we will ever get them back. Jerks like it this way no one to walk the halls. She is such an idiot. FIRED is what



details. Hope I get better that's all I pray for. Have not seen the prodiatristic since he did this.

Just got another antibiotic. Thank goodness.

Jan 15, 2020, 8:33 AM

Wednesday

I'm in meetings all day today, but the foot?

I really don't know. I have not seen it, it's all bandaged today I am getting a shower and the nurse is suppose to change the bandage I will let you know tonight. I am still on antibiotics. I tell you Brian no I don't have to telll you. OnMondsy I got the best results from everyone because Bruce was on the phone all day with them. He got results. What a place. This morning no tea bag. The kitchen help stinks. I want to DIE that is the only way I will get out of my misery.

Have fun at you meetings today. Talk to you I guess tonight. Love you.

Jan 17, 2020, 7:59 AM

January 17, 2020

Happy Birthday Mom. Bruce has on what's going on. I have corpor day today. Waste of time. We'll c I love you.

Ok.

Jan 19, 2020, 7:34 PM

**Sunc
Tried**

Hi, I was here but keep forgetting I have to check the ringer to see if it rings. Where the buttons are is tught where your finger holds the phone. I keep forgetting.

Brian I will all you now

I can't get you why?

Jan 14, 2020, 8:25 AM

Good morning. What I

You won't believe it. Lucky a Home Care Nurse brought Aunt Terry up to see me yesterday. She looked at my leg which they told me to keep open. It got infected. Lucky a HomeCare Nurse brought Aunt Terry up to see me yesterday and she looked at it and said that it was infected. She proceeded to take care of it. Thank

goodness she came up. Ordered antibiotics immediately bandaged it and said I can't walk on it. I have to eat now I will fill you in after. I will call you ok

It's not my leg it's my foot where the Podiatrist took out an ingrown toenail. He had a hard job of it but finally got it out. Since then problems it got infected all red almost to my ankle. I think he got scared and put me on antibiotics. The home care nurse put medicine on it bandaged it up and said I need special socks which they have here and that stupid black shoe. So far I have seen nothing. Bruce was calling Cindy the nurse who brought Aunt Terry up yesterday. Bruce was going to call her when he got to work. I have not heard yet from Bruce. I am still in bed. Only got one antibiotic but breakfast is just over. I have to keep the foot covered now. Have to wear a special sock and that ugly black shoe. I don't care as long as it gets better. Bruce has been great calling all these people here every five minutes. He did get results. So far today I am still in bed. Ate breakfast now waiting for Elisabeth to get me dressed. I don't have the shoe yet or the sock she is talking about but I am sure Elisabeth can get them. Adonis have not received my antibiotic yet either. Hopefully everything will work out ok. I think I brought you up to date. Call Bruce for more details. Hope I get better that's all I pray for. Have not seen the podiatrist since he did this.

Just got another antibiotic. Thank goodness.

Jan 15, 2020, 8:33 AM

Wednesday

I'm in meetings all day today, but what about the foot?

I really don't know. I have not seen it, it's all bandaged today I am getting a shower and the nurse is supposed to change the bandage I will let you know tonight. I am still on antibiotics. I tell you Brian no I don't

Kindle.

Let me know if this helps. Love

Thanks Brian but I am not going to do that. When you come up for Christmas you can do it. I don't want to mess everything up. I am reading. Read the book MaryLou gave me over again just finished and now going to read another book I already read over again. Second time around I got things I didn't get first time around. I'll be fine. I am going to ask Tami to buy me two paperback books I want to read. Then I will just read the ones I have read before. I can't stay here much longer at least I am hoping. The place is so bad you have no idea. She now doesn't hire any new aides and like today they only had four aides working and they take one away to go to another floor. I am making a list for Aunt Terry and she is going to call the state saying her name, if they ask, is Goldberg and she has a friend here. But won't give her name and tell them everything that goes on. Tami got a doctors bill from the doctor here for four visits to me with what he did. She asked me about it. I told her he was here once to introduce himself didn't do anything and I remember one time walked in looked at me said how are you I said fine and he walked out. She gets bill for four visits. She called here and they never called back. Elisabeth told me he was here Thursday sitting at the nurses desk looking at files. I told Elisabeth to let me know whenever she sees him there. I wrote down the date called Tami and she

wants all the dates he is sitting at the desk. If she gets another bill from him with those dates she is going to bring fraud charges and let him lose his license. The admin is in cahoots with all here I am convinced she is pocketing money. Brian it is really awful. I know Joanna doesn't believe me and most of the people here don't know because they are senile, but your Mother still has all her marbles in good working condition and knows what is going on. No aides saves money but less people get good service. We have been having temps in the 60's no heat. A heat pump is freezing. I thought the heat was Oct. 15th heat could come on. I rambled enough. My only hope is that as much as I want to see my newest great grandchild before I die I can't stay here much longer. I now can go outside by myself, passed the text, so who knows someday what I will do.

Reply Echo

Oct 29, 2017, 5:15 PM

Hi, wanted to tell you I saw a picture of your new boy. Looks really nice. He had to park closer to the door because we are having heavy rain. All day it's been raining and it's suppose to again tomorrow. Still no heat. Dennis set my Heat so when they put it on, if ever, it will come on. Of

Done


 Texts


May 12, 2020, 8:57 AM

Morning Brian, I have not heard about any Nursing Homes opening up, but then I don't hear much here. Although Tami did say something about Tuesday but I don't remember what it was. I thought it had been about the laundry. I thought she said something about picking up laundry to do but with this place I don't know. Oh by the way the HeadcNurse who had been looking at my toes, well she was in today pulled some dead skin off the toes hurt like the dickens but then passed. Brian please pray that my time is up I want to go see Grandpa and Grandma, I have had enough. I am in constant pain with my foot I could scream. I want to go see my maker. Please pray for me. Please! I had a good life I now feel I can go in peace. The phone seems working ok but not the same. Seemed I fixed it last night. I had a dumb phone back.

Pray for me in my time of need. Please I want to go see my maker.

May 13, 2020, 8:57 AM

I heard from Bruce that they let you all out.

I heard from Bruce that they let you all out.
How was that?

Hope you are doing okay. Love you.

Yes Brian, It was quite a surprise. My side in the morning said we were going outside today to see our visitors. I was surprised. After waiting around all morning we finally let out LUNCH. there was Tami with things for me and Aunt Terry. It was so nice seeing her after so long. I only hope we get back to normal soon so that we can have visitors. If they ever change that policy I wil kill myself. In a couple of weeks the administrator said but don't know. I doubt it with this jerk. It was a nice day yesterday. A little chilly but really nice. I had a good time. Nice seeing Tami after all this time of not seeing her.

It was a great day. Aunt Terry was outside too. had a good time.

This was probably the first and last time because I don't think she will ever let the place go back to the way it was. Mark my words. Have to get ready now. I am late this morning.

Talk to you later. Love you



Done



Texts



they fix your TV? Did you get your hearing aid batteries?
Have a good day. Talk soon. Love you.

May 21, 2020, 7:54 PM

Hi there Brian, Look dont bother to answer. I know it's Saturday night and You and Joanna probably have plans. I will call tomorrow afternoon. Foot and leg are killing me. Waiting for pain pill. Hope it comes soon. If not I will buzz for her. I had alot of pain in my life but believe me this is by far the absolute worse.i have ever had. Absolutely awful and I have had pain. Just had my pain pills. Hope they help.

Mom, it is Thursday night, not Saturday...

You okay? I understand you are in pain but you're losing track of what day it is???

You guess I am and especially since I dont see Paul anywhere. Days are all the same. I am going to go to sleep now. Pain pill is helping. Don't know if you get email from Dennis but they painted the brick wall in the kitchen dining room I think it looks terrific. Good night m

May 22, 2020, 6:14 PM

A quick note phone does not work. Plug in today only 39 charge. Ideally a loser since you got it never worked. Charged all day only 36!charge need a new one simple. Like my old one. This one is awful. Love you. I am getting ready for bed.

Only 14percent. No charging

I really cannot sit here fiddling with the phone instead of using it. Danny just got Aunt Terry's new phone like her old one. Some new features which she learned but it's great. Why did you buy this one. I can never use it. No power have to close. I love you.

Only 11 Percent. Have to close. I want to get one back.

May 24, 2020, 6:54 PM

Bruce said you were charging it in Aunt Terry's room. Are you available to talk now?

May 25, 2020, 1:58 PM

I am available to talk now.m. I Have been charging my phone in Aunt Terry's room because in my room it does not charge. I think it the plug. I tried using the chargers you gave me and it still did not work. I got so mad I went to Aunt Terry's



11:37



Done



Texts



May 28, 2020, 8:42 AM

Thursday

Hi Mom. How are you?
yesterday. Hope you are

May 28, 2020, 11:48 AM

Bruce, I am sorry I didn't write yesterday. I rally did not feel well. Todsy I am still not well. It's don't feel good, I am taking an antibiotic which of course as you know makes youvgo

Hi Mom. This is Bria

To the bathroom all daylso tired of going. I hate taking antibiotics. My lunch just came have to earn I don't feel like it but I guess I have too. Twill continue after I eat.

May 31, 2020, 7:53 PM

You know about today it was a day from I don't know where. Awful. Everything that coulfc

Excuse that Brian. I don't even know why I wrote that nothing happened

Here I am though. I am sorrybsnoutvyourccsll earlier butydinnrt tray just arrived and I had to eat brforeteyvamevgorthetsybn

I trie

Jun 1, 2020, 8:38 AM

Monday

Good morning Mom. It was nic
(and showing you the garden a
day. We'll talk soon. Love you



11:39



Done



Texts



NYC are both starting to reopen. shot in my eye yesterday. 3 actu bloodshot. Anyway. Have a goo

Brian Three shots in the eye. Goodness. You are not at work today are you?

Jun 14, 2020, 7:50 PM

Brian, How is your eye? I am sorry I didn't write sooner but I have been having a lot of problems with my leg. Hurts, home care nurse comes in puts medicine on it, tells me it's ready to fall off, (just what I want to hear) and leaves. I told her no God will be good to me and take me before it falls off. Now to you. Are you in pain? Just what did the Dictior do? Can you see better? Are your eye problems over now? I sure hope so. Can you work?

Hi Mom

Sorry I didn't call today - workin get everything done before the

I'm good. Eye is okay but still blc week.

Ok I will be here. (Ihope. I will)'

Good night Bruce and Lisa. Time for me to go to sleep. Love you both to the moon and back always.

Jun 15, 2020, 7:59 AM



Unless the booklet is some
can't imagine you would wa
money.

I don't want it. I want to get out of here. Didn't tell you the
latest. My aide from eleven at night to seven in the morning
was just put on two west. I am east. The reason being one
patient didn't like her and didn't want her touching her, she
complained so they changed Sonia to two West. She has
been here eleven years. The nicest lady, kind, dedicated
worker came whether it snowed, sleet, rain never missed a
day. Because one patient didn't like her they moved her. I
am so mad. I loved her, believe me there are not too many
that are good ones really good, Sonia was one. Tomorrow I
am going to see the boss lady. I am going to tell her about
the ice machine, having no heat Sunday and Monday and
saying to her it would be nice once in a while if she made a
effort to inform the patients what happened. We do pay for
this place we are not here for free. I would like to go down
and kick her out the front door, but she probably would not
feel it. You think I should or forget it. Are you guys doing
anything to get down there soon?

May 7, 2018, 7:05 AM

Didn't hear from you at all this week. I hope nothing is
wrong and that you are just busy or as the old saying goes
out of sight out of mind. Hope all is well. Things here are
the same. Getting worse. Food getting from bad to bad to
bad. Horrible. She hired people who can't even cook.
Dennis was here yesterday brought me chicken wrap oh it
was so good. Still no ice cubes. The pits. Place is really
going to you know where.

[Replay Echo](#)

May 18, 2018, 7:20 AM

Brian, the picture of the rose bush you posted on your page
is that the one you took from home. It's beautiful.

is that the one you took from home. It's beautiful.

May 18, 2018, 9:59 AM

Hi Mom, no that one was here al
- pruning shaping etc. but it's re
surprises we found in the neglec

How are you?

I am ok. Did you bring any of the roses with you like you
said you were

Hope things are going well. I'll tr

Jun 6, 2019, 6:24 AM

Brian, Another great thing happened yesterday. The place here 3rd 4th and 2West Floors flooded with water. The water pipes burst. Here it is morning and we still have no water. Great isn't it a great for a health care facility. This jack ass running this place is really a crack pot. How in heavens name they keep her here is beyond me. She has ruined this place. Has a sign in the lobby it was rated number five among health care facilities in Nassau. She forgot to put from the bottom. How she stays here I don't know. All I know if she is here after this I won't be because I have had it. I am going to go down and give her a piece of my mind. You know I don't get mad often but when I get to my breaking point I will lash out. I told Tami not to pay the bill and when she does deduct the days we were without water. Can't even cook without water. She should be kicked out on her ass. Fifth among nursing homes who is she kidding the food alone would rate her 0. If it is not fixed later today I am telling Dennis he has got to take me with him. That will go over big. No drinking water either.

Jun 6, 2019, 8:09 AM

Oh, brother. Can't they feed you hang in there, this one affects ev
Maybe this will be the last straw

Jun 6, 2019, 9:42 AM

My phone is going dead. I need to charge it but can't because I need a charge. Brian if she doesn't get fired after this I am going to kill her myself. I mean it. I am down to 14%

I am almost all done. Of course everything was late today. Just finished Breakfast. I have to go to bathroom to wash my teeth. Brian after this fiasco with the water if she isn't fired and we get a new administrator I will be out of here because I am at the end of holding my temper. I am going down to her and telling her just what I think of her. If she isn't replaced then I know for sure money talks and someone is being paid off big time. Right now o would love to add to her sigh downstairs that this place is number five rip it down and tell everyone that comes in it is a rat hole and don't believe what you read she forgot to put from the bottom. Then I want to lay down and have the Lord take me time is a wasting. She is one big idiot. Hope she leaves soon or I will by killing myself. I am not joking she has ruined this place only thinks of herself. She is one idiot. Thinks she is great yes she is for the garbage truck. I am not joking Brian

Yes if it's not too late. I will be up till 10:00pm.

Apr 15, 2018, 8:34 AM

Hi Mom. Joanna is at the gate. leave at 9:15 and get to NY aroud when she arrives.

Apr 15, 2018, 9:59 AM

Ok I didn't realize she was taking such an early flight. How is Willie? I hope he is ok for you. I will text you later. Sorry I am not seeing you this visit. Oh Brian, last night we had no aides here working. No one came in to see about a diaper change. I had an aide who thinks this admin is doing job. She is blaming the owner. I have not heard the owner changed hands so I really think both the owner and someone in New York State are being paid plenty to keep their mouths shut. Believe me Brian put a grandma house in you yard. I heard that MediaCaid pays for home care now. Damn it when I think of my hard earned money being paid to this place I want to just die. What a scam. They should all be locked up and have the keys thrown away. One aide tells me Otis the owner who is telling the administrator what to do, so she and he are both paying someone off in the states office. I only wish that I could live by myself with home health care taking care of me. Medicare now pays for home health care. These nursing homes are all the same. I dont

belong here I really don't. I really want to kill myself. Never did I think the last years of my life would be like this. I used to be a very happy person now blahhhh. I want to die.

Apr 15, 2018, 12:43 PM

Brian, I am getting very worried. You said Joanna would text when she arrived. I haven't had from her yet. Your text said she would arrive at 11:15. It's now almost a quarter of one and I haven't heard. Is everything ok. Please forgive the text I wrote before I am just in a real lousy feeling sorry for me mood. Seeing Joanna will make me feel better.

Her plane landed and the last she shuttle to the car rental. Because airport all the car rentals are way try reaching her.

Hey you use to live here remember.

Apr 19, 2018, 2:22 PM

I'm glad you enjoyed Joanna's vis We'll talk soon and see you again

Yes I hope so. By the way Dennis got the job. He told me

This is a pic of my screen. It
column fourth from the top (I
anywhere on your phone but
labeled "settings"

Thank you. Finally got something to work. Feel a lot better.
At least I can see it now. Tell Joanna she better be in a
fighting mood when she gets here because I never got an
antibiotic to stop the bleeding so when I wipe myself I'm the
bathroom there is blood. I haven't gone to the bathroom
since two o'clock so I don't know if there is blood on my
pants now. So help me Brian this place has gone on the
gutter and I couldn't get my computer to work to look up
nursing homes. I always hated portable computers could
never get them to cooperate with me. I so wanted to look up
nursing homes. I will have to wait till Joanna comes. I was
looking up nursing homes in case you didn't get me in SC. I
Know the red tape because Aunt Anne's sister moved out to
assisted living and her daughter had so much trouble

go through before she got in, but that is entirely different
because she is paying not Medicare. Her money Anne says
is running out so don't know what will happen then.

Jul 18, 2018, 1:59 PM

Brian, I forgot what time Joanna's plane was taking off. Has
she arrived home yet?

[Replay Echo](#)

She forgot your two books that Eddie sent me and I forgot
the book list. I will send that to you soon. Had a great visit
but missed you.

Jul 18, 2018, 9:47 PM

We're now back home. After
Wednesday night trivia game.
Get me a list of the books you
too but since Joanna goes ba
and cheaper for me to skip sc

Aug 7, 2018, 1:28 PM

Brian, Are you home alone now. I want to talk to you. M

Joanna will probably make it up
October. Anyway, if we don't
weekend

Sep 6, 2018, 2:42 PM

I didn't load my books that I wanted to order because my new friend Suzanne leant me at least six (and has more) so I am reading those. I leant her one of Aunt Terry's that she hasn't read so it's working out fine.

I'll leave the book ordering to you when you come up. My m now feeling good today. Didn't sleep well last night. Someone walked out with my walker. I told the nurse she reported it down stairs and then this morning when Marie came in I told her. She was really upset. A few minutes later she is back with my walker. She found it a little later around the other side of the hall. She was mad to think someone took it with my name on it. Tonight it stays by my bed. What a place. Thief's good grief it's not safe. Someone is liable to kill you in your sleep. When I die have an autopsy just in case I died an unusual death. Unbelievable. More things to worry about. It's crazy. My roommate is also going nuts. She is now driving all the aides crazy too. Really unbelievable. Every morning she picks her clothes out for her aide. Has a closet full of clothes but always picks something that's dirty to wear. Her aide gets so mad but

Agnes yells at her so she puts them on. Shows them to me. I think if the supervisor sees her with dirty clothes she gets yelled at. That's why she shows me. Now she has another thing. She always got into her nightgown right after lunch. Now after she gets undressed she closes the door to our room so people think we are sleeping or indisposed. So again I have to put lights on, open doors and all this is driving me crazy. She is getting so bad I am thinking of changing my room but I say to myself why should I let her move I have been here longer than her. Ekkkkkkk
Dennis knows how to get the books out of the cloud and put books on so I think I will let him try to do it to see how he does.

Hope to talk to you soon. Love you. Sending love to Joanna.

[Replay Echo](#)

Sep 11, 2018, 5:11 PM

Hi Brian and Joanna, What a great surprise I had this morning. Four new books and lots of People magazines. I have been reading People all day and have more to go through. Great reading so much Bruce had to call me to make sure I was ok. I am having a great time reading them.

7:42



Done



Texts



We'll see. Did you g

No not yet. It just proves all along what I said. No one wants to come here as a patient because she has absolutely ruined this place. My favorite social worker just left and now I am going to have a new one I got the notice today. I am not talking to her at all when she comes in asks me questions I will answer yes and no. I had such a nice relationship with my other one who left they tell me and now to start again no way especially since stupid probably hired her. All the new people coming in are friends or relatives of the administrator. That must say something. She is a complete IDIOT. WHAT IS IS DOING I AM SURE IS PAYING SOMEONE OFF BIG TIME. That's thenonly way she could be staying. The place I am sure is in last place. The only thing that's still good is rehab and several of their people have also left. You see money always pays off and I believe she is living proof of it. She is fat and dresses awful and brings her monster

Dog with her to work. Really cute she is as I said a complete IDIOT.

Dec 17, 2018, 9:19 PM

Yet she is still there. Stop whinying i about you.

Dec 20, 2018, 1:38 PM

Just wanted to say Hi. I still haven't gotten a roommate. I have to tell Tami to make sure you know who doesn't charge me for a private room. Who knows what she will do. You can tell how the place went down. No bed was empty for this long before she came. I am sure it's not rated the best anymore. Just the food alone has gotten awful I should say disgusting. Had no lunch again today. Pretty soon I will be down to one hundred pounds.

Dec 20, 2018, 5:17 PM

Hi Mom. Not sure why there is no new r could be that as the food went downhill down with it. Rehab helped fill beds. Ni

It's been a crazy week. Monday was ret good so no shot for now - but I've got a eye. Need to watch that. Tuesday was



young as I used to be.

We'll call you after lunch today.

Happy Halloween.

Just tried calling

Nov 2, 2018, 3:07 PM

Hi Brian, I just wanted to let you know that yesterday I fell as Marie started to walk me. My sneaker sole stuck on the floor lost my balance and went down. I hit my head on the post where I keep my books and hit my rear end on the table leg. Didn't get hurt, just a little bump on my head and a black and blue mark on my rear end. Slept ok last night. They took me down to PT this morning to see how I walked. I walked ok. They said they would probably come up here and they would walk me in the hall to make sure I can walk ok for a few days. Then I can walk with Marie again. Don't worry I am ok. Love you.

Nov 2, 2018, 9:13 PM

Oh brother. We're

Nov 3, 2018, 11:31 AM

How are you this morning?
head?

I am feeling fine. Little sore on my backside but that's it. I am a tough old gal darn it. Guess he is not ready for me yet darn it. I keep hoping. Oh well maybe next time if there is one. Hope all is ok with you two.

Nov 3, 2018, 1:26 PM

We're okay. I wasn't feeling
is okay. It's game day - Clem
soon.

Nov 13, 2018, 2:03 PM

Hi Mom. Sorry we didn't call
busy around the house because
this week. So far they were i

True some plants don't do well on hot weather. But there are slot of others that do well. Well your nephew Zach is now a college grad. He graduated this morning with the Physics Department. This afternoon big graduation with all StonyBrook students.

[Replay Echo](#)

Yea i saw the picture on Facebook. In that picture I th looks like Dennis...

Yes I think he is looking more and more...

May 19, 2018, 7:48 PM

Bruce I heard you tell your today I was here for A7's away uniform. The uniform is much more...

You sent that text to me Brian, not Bruce. I forwarded him.

Gee thanks. I have a terrible headache. On Sat night I never get my eye drops or my Tylonal

Call the nurse and do...

I did that a few times and the aide came instead I told her

and she said she would tell her it she never came so I said forget it. I go blind I sue the pants off them then you will see the fun.

I can't worry about it I have enough to worry about so what will be will be. I will first tell my regular night nurse next week.

Okay. We'll talk to...

Ok

May 27, 2018, 4:25 PM

Hi Mom. How are you? It is Sunday of a 3 day week although everyday is the same now being retired. Be working in my garage for the last few days and have much unpacked everything. The Merrick house was deceptive - it held a lot more stuff than it seemed. O are going to friends tonight for a cookout. We'll c to grow.

May 27, 2018, 5:00 PM

Ok Have a good time.

Well being in this place is almost the same as being retired except you have the pleasure of being with family and friends.

Jun 14, 2018, 3:00 PM

Brian, I am sending this only to you. I was going to charge my Kindle and for some reason the wire broke. I can't charge the Kindle and the wire can't be fixed. I need a new one. I am so sorry I don't know how it happened but the piece goes in to charge it (I guess it's the wire broke. I think I replaced it once before. I am so sorry. I am reading a great book on Kindle so I will read until the Kindle loses charge which will be soon. I don't know what happened but

Never I put it away I will see if Joanna knows how to work it.

Brian How do I make my phone lighter. It so dark to read b

Jul 11, 2018, 2:38 PM

2. The computer - not sure what you plugged in? If not maybe the battery
3. Phone. Tap on settings. Then "dis" then move the slider to more bright

Let me know.

How do I get settings?

Tap on the icon th

Where is it suppose to be?

On either the first or second screen. Pre
to get back to the screen

To get back to how I am. Nurse told me this morning that there was no infection in the blood. The blood was from hemroids I don't believe him because even though today no blood appeared on my diaper when I went to the bathroom there blood on the paper. I told you guys before the doctors work here because they can't work any place else. They are stupid. Tami has been getting bills from one of the doctors here who comes in says how are you walks out when I say fine and then Tami gets a bill. Crazy.

Where is this icon like a gear? I don't know how you get it.

old saying "out of sight out of mind"

I haven't heard from you in ages. Not even on Sunday. Are you that busy that you forget your Mother. I hope not. Everything here is getting worse. I order a hard boiled egg every day for all the time I am here. Well today I cracked my egg opened and out flowed the raw egg. I was shocked. Then my aide told me everyone got the same thing. So you see I am not kidding you guys. This idiot hires the cheapest help she can get now they can't even read or write so I am not kidding you guys. I know you don't believe me but I don't lie never did about things that are important. I was absolutely shocked. I cannot believe she is still here. I wonder how much and how many people from the state is paying off. Whoever and how much she is paying I hope comes back to really slap her in the face. I am waiting to see the lady who Joanna told me to tell (I forgot her name so I have to wait till I see her in the hall). Poor thing she will be getting an ear full. Unbelievable. I feel like having Nick take me someplace and leaving me so the police will pick me up and put me someplace else. Even a jail cell. I bet I get better service. This place really STINKS. The only people who give a damn are the recreation people they care. Some aides are not. I am now going to write the books I want out. I am going to tell Nick Jones I am a computer at her house where he can get WiFi. Please let me hear from you. Love you. 💕💕

I hope.

Aug 29, 2018, 5:46 PM

Oh wow, it is almost 6:00 p heading out to our weekly t tomorrow before lunch.

Ok.

Oh no, tomorrow is my hair appointment I won't be here. I have an exercise class right after breakfast and then she comes before noon for my hair. I will be here in the afternoon.

Liptak, Anne [HAU]

From: TAMI MILACK [REDACTED]
Sent: Friday, February 18, 2022 12:01 PM
To: Scandaliato, Dawn [HAU]
Subject: Fw: [REDACTED]

[EXTERNAL]

This was the day she died.

----- Forwarded Message -----

From: TAMI MILACK <[REDACTED]>
To: Carol Frawley <cfrawley@bvnh.com>; Luisa Esquivel <lesquivel@bvnh.com>; Cathie Doyle <cathie.doyle@bvnh.com>
Sent: Friday, November 20, 2020, 12:22:04 PM EST
Subject: Re: [REDACTED]

Good Afternoon:

I have been speaking with doctor and nurses.

Apparently [REDACTED] is not doing well.

They have basically told me that this is the "end" actually those were the exact words the rude doctor told me.

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Thank you,
Tami Milack

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From: TAMI MILACK
Sent: Tuesday, September 01, 2020 6:30 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>; Carol Frawley <cfrawley@bvnh.com>; Luisa Esquivel <lesquivel@bvnh.com>
Subject: Fw: [REDACTED]

??

----- Forwarded Message -----

From: TAMI MILACK [REDACTED]

To: Cathie Doyle <cathie.doyle@bvnh.com>

Cc: Carol Frawley <cfrawley@bvnh.com>; Luisa Esquivel <lesquivel@bvnh.com>

Sent: Sunday, August 30, 2020, 10:36:57 AM EDT

Subject: Re: [REDACTED]

The once a week middle of the day , middle of the week visitations, isn't working.

I am aware I'm not the only one complaining.

I have done some research and found that most other homes on long island , have 7 day a week visit, that you sign up for on line. this is a great idea. It offers more flexibility to the families and less stressful for the nurses at the home.

Keeping with the masks and the social distancing, and only two visitors at a time, but weekends or evenings are going to have to be offered.

Most of us just starting working again, or got our jobs back, or are starting new jobs, and cant be taking off to come and visit on a Wednesday at 10am/11am.

Please let me know who to contact to make arrangements for Sat/Sun or after 5pm.

Thank you,

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Sent: Monday, August 03, 2020 11:15 AM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

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OK, we are clear.

Thanks,

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HI – yes, there is still a pandemic, however as you know I lifted the ban on laundry going in and out of the facility, which is when you re-assumed responsibility for doing their laundry. Again, if you would like us to do the laundry, please just advise and it will be handled.

I am not “picking and choosing” when I am responsible for them – I am taking my cue from you on the laundry. If you let us do it full-time, I can assure you they will have their cloths clean and returned to them timely. Please advise, Cathie Doyle

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Sent: Monday, August 03, 2020 10:47 AM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

As per your previous emails:

Concerning [REDACTED] laundry, it was done weekly by the facility throughout the pandemic – while getting the cloths back to the facility did take longer than normal - I can assure you her clothes were washed.

(are we not still in a pandemic?)

Concerning [REDACTED], while I greatly appreciate your feedback concerning her care, please note that her son Daniel is our point of contact and accordingly I can take no direction from you concerning her care or relocation to an alternate facility. As a matter of fact, I can not find your name authorizing decision making on her behalf at all. (but I'm responsible for her laundry and socks?)

So I'm confused as to how you pick and chose when you're responsible for them.

How they are capable of making their own decisions and i have no say over them

How they dont want to go to another facility because you are taking very good care of them.

and We didnt notify me three times it needed to be done Ms Doyle....these elderly patients notified me themselves to come and help them because no one there takes care of their laundry or their needs...which is why they call ME personally to come and help them

dont worry about itI GOT THEM COVERED ...as always...they are NOT your concern....because if they were...you failed.

I will be up there to get the laundry and bring the socks....

Have a good day.

On Monday, August 3, 2020, 09:36:13 AM EDT, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Good morning, Tami.

As indicated when it was requested by Daniel to have them in one room together, we did advise that it could not be immediate due to COVID considerations. When it can be safely accomplished, we will move them together. Thank you for your patience with this matter.

Concerning her laundry, I am confused – my understanding is that you do her laundry, so how would I be responsible for her having no socks? Especially if we notified you three times her laundry needed to be done? If you would like us to assume responsibility for doing her laundry, we are happy to do so – please advise.

Have a nice day, Cathie Doyle

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Sent: Sunday, August 02, 2020 2:33 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

So the two of them are still not in one room together.

And i have been getting calls for 3 days now to please come and pick up their laundry

They have no socks

So miserable etc...

Excellent job! Keep up the good work!

On Monday, July 20, 2020, 12:34:39 PM EDT, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Good morning – as promised, I had the attending physician re-evaluate [REDACTED] for competency. As expected, Dr. Hassan has indicated she is 100% capable of making her own health care decisions. As such, the health care proxy is not invoked and we will be taking our direction from her. She has stated again today that she does not wish alternate placement. Please feel free to call me if you have any questions or I can be of further assistance. Thank you, Cathie Doyle

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Subject: Re: [REDACTED]

Funny, I just got off the phone with her, and she said she is very interested in leaving and would NEVER say she wants to stay.

So...i suggest that you have another meeting and have me on the phone or some recording as proof.

Or reconsider her competency.

I have all her statements from 30 minutes ago in writing.

You may have her social working OR the director of nursing contact me about this issue.

On Thursday, July 16, 2020, 12:17:40 PM EDT, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Tami - again, [REDACTED] is alert and oriented x3 and DOES NOT wish to leave Fulton Commons per her statement this morning. My error – [REDACTED] has hearing aides and the batteries are changed upon her request. My apologies for the confusion. I will not be sending PRI's to any facility for [REDACTED] unless and until she requests we do so. You may have your attorney call me at 516-222-9300 Monday – Friday 9 -5. Thank you. Cathie Doyle

From: TAMI MILACK
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Subject: Re: [REDACTED]

Cathie:

There are so many issues with your below response, I do not know where to start.

Daniel will be contacting you today to have me added.

(since [REDACTED] doesn't have hearing aids , i doubt she stated that they change the batteries!!)

However, I will need the contact name of the social worker and a PRI (patient review instrument) sent to Daleview.

If you are refusing, please let me know and I will have the legal team contact your facility.

Thanks,

On Thursday, July 16, 2020, 11:17:58 AM EDT, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Good morning, Tami.

As promised, I met with the Director of Nursing this morning to review the concerns you raised in your email yesterday.

Concerning [REDACTED], as you know, she is alert and oriented x3 and quite capable of making her own health care decisions. While you are the HCP, please note that your decision making ONLY becomes valid if the resident is unable to make her own decisions. [REDACTED] specifically consented to the port for antibiotics stating she does not "want to lose

her leg" as well as the COVID-19 swab tests that are currently being done weekly. These decisions are documented in her medical record. [REDACTED] was interviewed this morning by the Director of Nursing and is very happy at Fulton and **adamantly** refuses to be moved to another facility. We will be following her direction and wishes at this time.

Concerning [REDACTED] laundry, it was done weekly by the facility throughout the pandemic – while getting the cloths back to the facility did take longer than normal - I can assure you her clothes were washed.

Concerning [REDACTED], while I greatly appreciate your feedback concerning her care, please note that her son Daniel is our point of contact and accordingly I can take no direction from you concerning her care or relocation to an alternate facility. As a matter of fact, I can not find your name authorizing decision making on her behalf at all. However, I can tell you that a quality of life visit was also paid to [REDACTED] this morning by the Director of Nursing and she too is very happy at Fulton and is choosing not to move to another facility at this time. Per her conversation with Mrs. Frawley, [REDACTED] is satisfied with the food (albeit, "it's not like home"), she stated that the staff do change her hearing aid batteries when she asks them to and they also assist her with her charger as well.

I can assure you, I do not want to "keep them locked up" and we are precisely following Governor Cuomo's Executive Orders concerning the reinstatement of visitation. At this time, we are anticipating to receive approval to open for visitation in a limited and specific manner on August 7 IF we continue to remain free of COVID-19 positive test results in residents and staff.

I know this has been a frustrating and LONG four months but I assure you we are doing everything in or power to keep your loved one safe and happy. Please fell free to call or email me if I can be of any further assistance.

Cathie Doyle, Administrator

Fulton Commons Care Center

From: TAMI MILACK
Sent: Wednesday, July 15, 2020 4:41 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

Who is their social worker. I am going to request them be moved to Daleview in farmingdale. They have openings and are covid free

Sent from my iPhone

On Jul 15, 2020, at 4:03 PM, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Good afternoon – I am sorry you are so upset and unhappy. I am going to review your email with the Director of Nursing, Carol Frawley and call you tomorrow if that is ok with you. May I have the best number to reach you please?

Thanks, Cathie Doyle

From: TAMI MILACK
Sent: Wednesday, July 15, 2020 3:51 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: [REDACTED]

VERY unhappy.

I specifically told them not to put a port in [REDACTED] for anti bio tics , and they did it anyway

I specifically told them NOT to do COVID nasal swabs, and they are doing them anyway.

I'm her healthcare proxy, and was called and ignored.

The laundry wasn't done while they were in lock up.

I was told it was being done.

The laundry was lost.

Yesterday i picked up laundry that is weeks old, covered in feces!

[REDACTED] was put in isolation for Covid with No air conditioning! That is elder abuse.

The food is awful

They don't supply hearing aid batteries

They don't help her with her phone charger.

But i get sent a bill every month that I am paying for their CARE.

they are locked up in there for months, and I cant get to them to Help.

They were allowed outside, now they are not

You want to keep them locked up for another month.

Keep testing, keep saying you have cases, and keep them away from their families. They don't have all the time in the world to wait for this to be over.

Contacting a lawyer this week to get them out of there, before its too late.

Horrible.

Liptak, Anne [HAU]

From: TAMI MILACK [REDACTED]
Sent: Friday, February 18, 2022 12:03 PM
To: Scandaliato, Dawn [HAU]
Subject: Fw: [REDACTED]

[EXTERNAL]

this was the response from carol frawley the director of nursing i never heard from cathy doyle again.

----- Forwarded Message -----

From: cfrawley@bvnh.com <cfrawley@bvnh.com>
To: TAMI MILACK <[REDACTED]>
Cc: Luisa Esquivel <lesquivel@bvnh.com>; Cathie Doyle <cathie.doyle@bvnh.com>
Sent: Friday, November 20, 2020, 04:05:44 PM EST
Subject: Re: [REDACTED]

Good afternoon Tami

Please accept our heartfelt condolences on the passing of your mother-in-law [REDACTED]. She was loved by everyone in this facility. I received your e-mail and was informed by Ms. Waller RN Unit Manager that [REDACTED] was talking to the staff this morning and when they saw her have a change in her condition she called you and Bruce to inform you and let you know you could come in to see her. I do not know who told you that you had to wait until she is totally unresponsive and if that was told to you all I can do is apologize because that is not out protocol at all. I know you did get to the facility and Ms. Waller assisted you in whatever way she could. Please feel free to call upon me if I can be of any assistance in any way. Again please accept our condolences

Sincerely
Carol Frawley RN
Director of Nursing

-----Original Message-----

From: "TAMI MILACK" [REDACTED]
Sent: Friday, November 20, 2020 12:22pm
To: "Carol Frawley" <cfrawley@bvnh.com>, "Luisa Esquivel" <lesquivel@bvnh.com>, "Cathie Doyle" <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

Good Afternoon:

I have been speaking with doctor and nurses.

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They have basically told me that this is the "end" actually those were the exact words the rude doctor told me.

I am trying to arrange to come up to visit before its too late, and I am being told that I cant until she is totally unresponsive...which seems INSANE...as I'm sure that is not the case...i am reaching out to you, to get permission to be able to come up to see and and say goodbye before she is unresponsive.

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I know this has been a frustrating and LONG four months but I assure you we are doing everything in or power to keep your loved one safe and happy. Please feel free to call or email me if I can be of any further assistance.

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Fulton Commons Care Center

From: TAMI MILACK
Sent: Wednesday, July 15, 2020 4:41 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

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Horrible.

Liptak, Anne [HAU]

From: TAMI MILACK [REDACTED]
Sent: Friday, February 18, 2022 11:47 AM
To: Scandaliato, Dawn [HAU]
Subject: Fw: [REDACTED]

[EXTERNAL]

Hi Dawn:

This is first of the emails from July 2020.

Hopefully you get the full link of my email from the 15th and so forth.

I will be sending more.

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From: Cathie Doyle <cathie.doyle@bvnh.com>
To: TAMI MILACK [REDACTED]
Cc: Carol Frawley <cfrawley@bvnh.com>; Luisa Esquivel <lesquivel@bvnh.com>; Dorothy Limbach <dlimbach@bvnh.com>
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Subject: Re: [REDACTED]

Who is their social worker. I am going to request them be moved to Daleview in Farmingdale. They have openings and are COVID free

Sent from my iPhone

On Jul 15, 2020, at 4:03 PM, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Good afternoon – I am sorry you are so upset and unhappy. I am going to review your email with the Director of Nursing, Carol Frawley and call you tomorrow if that is OK with you. May I have the best number to reach you please?

Thanks, Cathie Doyle

From: TAMI MILACK
Sent: Wednesday, July 15, 2020 3:51 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: [REDACTED]

VERY unhappy.

I specifically told them not to put a port in [REDACTED] for anti bio tics , and they did it anyway

I specifically told them NOT to do COVID nasal swabs, and they are doing them anyway.

I'm her healthcare proxy, and was called and ignored.

The laundry wasn't done while they were in lock up.

I was told it was being done.

The laundry was lost.

Yesterday i picked up laundry that is weeks old, covered in feces!

[REDACTED] was put in isolation for Covid with No air conditioning! That is elder abuse.

The food is awful

They don't supply hearing aid batteries

They don't help her with her phone charger.

But i get sent a bill every month that I am paying for their CARE.

they are locked up in there for months, and I cant get to them to Help.

They were allowed outside, now they are not

You want to keep them locked up for another month.

Keep testing, keep saying you have cases, and keep them away from their families. They don't have all the time in the world to wait for this to be over.

Contacting a lawyer this week to get them out of there, before its too late.

Horrible.

Liptak, Anne [HAU]

From: TAMI MILACK <[REDACTED]>
Sent: Friday, February 18, 2022 11:53 AM
To: Scandaliato, Dawn [HAU]
Subject: Fw: [REDACTED]

[EXTERNAL]

This was me sending to the head nurses and other people in the facility

----- Forwarded Message -----

From: TAMI MILACK [REDACTED]
To: Aj Milack [REDACTED]
Sent: Thursday, July 16, 2020, 06:54:56 PM EDT
Subject: Fwd: [REDACTED]

Sent from my iPhone

Begin forwarded message:

From: Cathie Doyle <cathie.doyle@bvnh.com>
Date: July 16, 2020 at 2:32:39 PM EDT
To: TAMI MILACK [REDACTED]
Cc: Carol Frawley <cfrawley@bvnh.com>, Luisa Esquivel <lesquivel@bvnh.com>
Subject: RE: [REDACTED]

Tami – when her physician sees her next, I will specifically ask for her competency to be reevaluated. I will have the Unit Manager call you after the physician completes his assessment.

As of now, she is deemed competent and again five minutes ago has indicated to the Unit Manager that she DOES NOT want to move to an alternate nursing home at this time. She is considering “trying another place because maybe the food will be better” but stated “not now”.

Also, we have spoken with Daniel concerning [REDACTED] and he has indicated that he DOES NOT want you added to the face sheet or give you any decision making capabilities for his mother. He has no intention of moving his mother to another facility. His one request, with [REDACTED] permission as well, is to have [REDACTED] and [REDACTED] share a room together.

I am not quite sure why all of a sudden you are so unhappy, but we remain committed to providing the best care possible for your mother.

Thank you, Cathie Doyle

From: TAMI MILACK
Sent: Thursday, July 16, 2020 2:14 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

Funny, I just got off the phone with her, and she said she is very interested in leaving and would NEVER say she wants to stay.

So...i suggest that you have another meeting and have me on the phone or some recording as proof.
Or reconsider her competency.

I have all her statements from 30 minutes ago in writing.

You may have her social working OR the director of nursing contact me about this issue.

On Thursday, July 16, 2020, 12:17:40 PM EDT, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Tami - again, [REDACTED] is alert and oriented x3 and DOES NOT wish to leave Fulton Commons per her statement this morning. My error – [REDACTED] has hearing aides and the batteries are changed upon her request. My apologies for the confusion. I will not be sending PRI's to any facility for [REDACTED] unless and until she requests we do so. You may have your attorney call me at 516-222-9300 Monday – Friday 9 -5. Thank you. Cathie Doyle

From: TAMI MILACK
Sent: Thursday, July 16, 2020 11:46 AM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

Cathie:

There are so many issues with your below response, I do not know where to start.

Daniel will be contacting you today to have me added.

(since [REDACTED] doesn't have hearing aids , i doubt she stated that they change the batteries!!)

However, I will need the contact name of the social worker and a PRI (patient review instrument) sent to Daleview.

If you are refusing, please let me know and I will have the legal team contact your facility.

Thanks,

On Thursday, July 16, 2020, 11:17:58 AM EDT, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Good morning, Tami.

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Concerning [REDACTED], as you know, she is alert and oriented x3 and quite capable of making her own health care decisions. While you are the HCP, please note that your decision making ONLY becomes valid if the resident is unable to make her own decisions. [REDACTED] specifically consented to the port for antibiotics stating she does not "want to lose her leg" as well as the COVID-19 swab tests that are currently being done weekly. These decisions are documented in her medical record. [REDACTED] was interviewed this morning by the Director of Nursing and is very happy at Fulton and **adamantly** refuses to be moved to another facility. We will be following her direction and wishes at this time.

Concerning [REDACTED] laundry, it was done weekly by the facility throughout the pandemic – while getting the cloths back to the facility did take longer than normal - I can assure you her clothes were washed.

Concerning [REDACTED], while I greatly appreciate your feedback concerning her care, please note that her son Daniel is our point of contact and accordingly I can take no direction from you concerning her care or relocation to an alternate facility. As a matter of fact, I can not find your name authorizing decision making on her behalf at all. However, I can tell you that a quality of life visit was also paid to [REDACTED] this morning by the Director of Nursing and she too is very happy at Fulton and is choosing not to move to another facility at this time. Per her conversation with Mrs. Frawley, [REDACTED] is satisfied with the food (albeit, "it's not like home"), she stated that the staff do change her hearing aid batteries when she asks them to and they also assist her with her charger as well.

I can assure you, I do not want to "keep them locked up" and we are precisely following Governor Cuomo's Executive Orders concerning the reinstatement of visitation. At this time, we are anticipating to receive approval to open for visitation in a limited and specific manner on August 7 IF we continue to remain free of COVID-19 positive test results in residents and staff.

I know this has been a frustrating and LONG four months but I assure you we are doing everything in or power to keep your loved one safe and happy. Please fell free to call or email me if I can be of any further assistance.

Cathie Doyle, Administrator

Fulton Commons Care Center

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Keep testing, keep saying you have cases, and keep them away from their families. They don't have all the time in the world to wait for this to be over.

Contacting a lawyer this week to get them out of there, before its too late.

Horrible.

Liptak, Anne [HAU]

From: TAMI MILACK [REDACTED]
Sent: Friday, February 18, 2022 11:56 AM
To: Scandaliato, Dawn [HAU]
Subject: Fw: [REDACTED]

[EXTERNAL]

this is one of my favorites. she admits she takes direction on the laundry but not the medical.

----- Forwarded Message -----

From: Cathie Doyle <cathie.doyle@bvnh.com>
To: TAMI MILACK [REDACTED]
Cc: Carol Frawley <cfrawley@bvnh.com>; Luisa Esquivel <lesquivel@bvnh.com>
Sent: Monday, August 3, 2020, 11:20:38 AM EDT
Subject: RE: [REDACTED]

That is correct. Kindly advise if you will continue to do the laundry or if you would Fulton to di it for them. Thanks, Cathie

From: TAMI MILACK
Sent: Monday, August 03, 2020 11:15 AM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

Gotcha..you take direction from me on the laundry, not their medical needs, but the laundry.

OK, we are clear.

Thanks,

On Monday, August 3, 2020, 11:05:20 AM EDT, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

HI – yes, there is still a pandemic, however as you know I lifted the ban on laundry going in and out of the facility, which is when you re-assumed responsibility for doping their laundry. Again, if you would like us to do the laundry, please just advise and it will be handled.

I am not "picking and choosing" when I am responsible for them – I am taking my cue from you on the laundry. If you let us do it full-time, I can assure you they will have their cloths clean and returned to them timely. Please advise, Cathie Doyle

From: TAMI MILACK
Sent: Monday, August 03, 2020 10:47 AM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

As per your previous emails:

Concerning [REDACTED] laundry, it was done weekly by the facility throughout the pandemic – while getting the cloths back to the facility did take longer than normal - I can assure you her clothes were washed.

(are we not still in a pandemic?)

Concerning [REDACTED], while I greatly appreciate your feedback concerning her care, please note that her son Daniel is our point of contact and accordingly I can take no direction from you concerning her care or relocation to an alternate facility. As a matter of fact, I can not find your name authorizing decision making on her behalf at all. (but I'm responsible for her laundry and socks?)

So I'm confused as to how you pick and chose when you're responsible for them.

How they are capable of making their own decisions and i have no say over them

How they dont want to go to another facility because you are taking very good care of them.

and We didnt notify me three times it needed to be done Ms Doyle....these elderly patients notified me themselves to come and help them because no one there takes care of their laundry or their needs...which is why they call ME personally to come and help them

dont worry about itI GOT THEM COVERED ...as always...they are NOT your concern....because if they were...you failed.

I will be up there to get the laundry and bring the socks....

Have a good day.

On Monday, August 3, 2020, 09:36:13 AM EDT, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Good morning, Tami.

As indicated when it was requested by Daniel to have them in one room together, we did advise that it could not be immediate due to COVID considerations. When it can be safely accomplished, we will move them together. Thank you for your patience with this matter.

Concerning her laundry, I am confused – my understanding is that you do her laundry, so how would I be responsible for her having no socks? Especially if we notified you three times her laundry needed to be done? If you would like us to assume responsibility for doing her laundry, we are happy to do so – please advise.

Have a nice day, Cathie Doyle

From: TAMI MILACK
Sent: Sunday, August 02, 2020 2:33 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

So the two of them are still not in one room together.

And i have been getting calls for 3 days now to please come and pick up their laundry

They have no socks

So miserable etc...

Excellent job! Keep up the good work!

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Good morning – as promised, I had the attending physician re-evaluate [REDACTED] for competency. As expected, Dr. Hassan has indicated she is 100% capable of making her own health care decisions. As such, the health care proxy is not invoked and we will be taking our direction from her. She has stated again today that she does not wish alternate placement. Please feel free to call me if you have any questions or I can be of further assistance. Thank you, Cathie Doyle

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Keep testing, keep saying you have cases, and keep them away from their families. They don't have all the time in the world to wait for this to be over.

Contacting a lawyer this week to get them out of there, before its too late.

Horrible.

Liptak, Anne [HAU]

From: TAMI MILACK [REDACTED]
Sent: Friday, February 18, 2022 12:00 PM
To: Scandaliato, Dawn [HAU]
Subject: Fw: [REDACTED]

[EXTERNAL]

This was the director refusing to alter times to come and visit, and pushing me off on her assistant

----- Forwarded Message -----

From: Cathie Doyle <cathie.doyle@bvnh.com>
To: TAMI MILACK [REDACTED] Carol Frawley <cfrawley@bvnh.com>; Luisa Esquivel <lesquivel@bvnh.com>
Sent: Wednesday, September 2, 2020, 10:54:58 AM EDT
Subject: RE: [REDACTED]

Good morning, Tami. I am back today from a few days off, so forgive the delay in my response please. The visitation plan for Fulton Commons has been reviewed and approved by the NYS Department of Health, and as such, will remain in place as is. As I have stressed in my communications to all family members, including yourself, alternate visitation arrangements will be considered on a case-by-case basis and MAY be granted after careful review. For consideration, you may call Dawn (my assistant) at 516-222-9300, ext. 5134. Thank you and have a great day. Cathie Doyle

From: TAMI MILACK
Sent: Tuesday, September 01, 2020 6:30 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>; Carol Frawley <cfrawley@bvnh.com>; Luisa Esquivel <lesquivel@bvnh.com>
Subject: Fw: [REDACTED]

??

----- Forwarded Message -----

From: TAMI MILACK [REDACTED]
To: Cathie Doyle <cathie.doyle@bvnh.com>
Cc: Carol Frawley <cfrawley@bvnh.com>; Luisa Esquivel <lesquivel@bvnh.com>
Sent: Sunday, August 30, 2020, 10:36:57 AM EDT
Subject: Re: Elena Milack/Terry Cahill

The once a week middle of the day , middle of the week visitations, isn't working.

I am aware I'm not the only one complaining.

I have done some research and found that most other homes on long island , have 7 day a week visit, that you sign up for on line. this is a great idea. It offers more flexibility to the families and less stressful for the nurses at the home.

Keeping with the masks and the social distancing, and only two visitors at a time, but weekends or evenings are going to have to be offered.

Most of us just starting working again, or got our jobs back, or are starting new jobs, and cant be taking off to come and visit on a Wednesday at 10am/11am.

Please let me know who to contact to make arrangements for Sat/Sun or after 5pm.

Thank you,

Tami Milack

On Monday, August 3, 2020, 12:10:31 PM EDT, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Good news... [REDACTED] has agreed to move into the A bed in with your mom. While they did wish to be together, neither one of them wanted to move until today. :) Cathie Doyle

From: TAMI MILACK
Sent: Monday, August 03, 2020 11:15 AM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: Re: [REDACTED]

Gotcha..you take direction from me on the laundry, not their medical needs, but the laundry.

OK, we are clear.

Thanks,

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I am not “picking and choosing” when I am responsible for them – I am taking my cue from you on the laundry. If you let us do it full-time, I can assure you they will have their cloths clean and returned to them timely. Please advise, Cathie Doyle

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As per your previous emails:

Concerning [REDACTED] laundry, it was done weekly by the facility throughout the pandemic – while getting the cloths back to the facility did take longer than normal - I can assure you her clothes were washed.

(are we not still in a pandemic?)

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Concerning [REDACTED], as you know, she is alert and oriented x3 and quite capable of making her own health care decisions. While you are the HCP, please note that your decision making ONLY becomes valid if the resident is unable to make her own decisions. [REDACTED] specifically consented to the port for antibiotics stating she does not "want to lose her leg" as well as the COVID-19 swab tests that are currently being done weekly. These decisions are documented in her medical record. [REDACTED] was interviewed this morning by the Director of Nursing and is very happy at Fulton and **adamantly** refuses to be moved to another facility. We will be following her direction and wishes at this time.

Concerning [REDACTED] laundry, it was done weekly by the facility throughout the pandemic – while getting the cloths back to the facility did take longer than normal - I can assure you her clothes were washed.

Concerning [REDACTED], while I greatly appreciate your feedback concerning her care, please note that her son Daniel is our point of contact and accordingly I can take no direction from you concerning her care or relocation to an alternate facility. As a matter of fact, I can not find your name authorizing decision making on her behalf at all. However, I can tell you that a quality of life visit was also paid to [REDACTED] this morning by the Director of Nursing and she too is very happy at Fulton and is choosing not to move to another facility at this time. Per her conversation with Mrs. Frawley, [REDACTED] is satisfied with the food (albeit, "it's not like home"), she stated that the staff do change her hearing aid batteries when she asks them to and they also assist her with her charger as well.

I can assure you, I do not want to "keep them locked up" and we are precisely following Governor Cuomo's Executive Orders concerning the reinstatement of visitation. At this time, we are anticipating to receive approval to open for visitation in a limited and specific manner on August 7 IF we continue to remain free of COVID-19 positive test results in residents and staff.

I know this has been a frustrating and LONG four months but I assure you we are doing everything in or power to keep your loved one safe and happy. Please feel free to call or email me if I can be of any further assistance.

Cathie Doyle, Administrator

Fulton Commons Care Center

From: TAMI MILACK
Sent: Wednesday, July 15, 2020 4:41 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: [REDACTED]

Who is their social worker. I am going to request them be moved to Daleview in Farmingdale. They have openings and are covid free

Sent from my iPhone

On Jul 15, 2020, at 4:03 PM, Cathie Doyle <cathie.doyle@bvnh.com> wrote:

Good afternoon – I am sorry you are so upset and unhappy. I am going to review your email with the Director of Nursing, Carol Frawley and call you tomorrow if that is ok with you. May I have the best number to reach you please?

Thanks, Cathie Doyle

From: TAMI MILACK
Sent: Wednesday, July 15, 2020 3:51 PM
To: Cathie Doyle <cathie.doyle@bvnh.com>
Subject: [REDACTED]

VERY unhappy.

I specifically told them not to put a port in [REDACTED] for anti bio tics , and they did it anyway

I specifically told them NOT to do COVID nasal swabs, and they are doing them anyway.

I'm her healthcare proxy, and was called and ignored.

The laundry wasn't done while they were in lock up.

I was told it was being done.

The laundry was lost.

Yesterday i picked up laundry that is weeks old, covered in feces!

[REDACTED] was put in isolation for Covid with No air conditioning! That is elder abuse.

The food is awful

They don't supply hearing aid batteries

They don't help her with her phone charger.

But i get sent a bill every month that I am paying for their CARE.

they are locked up in there for months, and I cant get to them to Help.

They were allowed outside, now they are not

You want to keep them locked up for another month.

Keep testing, keep saying you have cases, and keep them away from their families. They don't have all the time in the world to wait for this to be over.

Contacting a lawyer this week to get them out of there, before its too late.

Horrible.





















In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
EZEKIEL SACHS**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

EZEKIEL SACHS, being duly sworn, attests as follows:

1. I am a former resident of Fulton Commons Care Center, Inc. ("Fulton Commons"), a nursing home located at 60 Merrick Avenue, East Meadow, New York 11554.
2. I resided at Fulton Commons from approximately April 25, 2020 to May 8, 2020.
3. I am 73 years old, and I currently reside in North Baldwin, New York.
4. I have been employed as a mechanical engineer for approximately 48 years. I am currently employed by National Grid. I graduated from Columbia University with a Bachelor of Science degree and a Master of Science degree in Engineering, and St. John's University School of Law. I also obtained a Bachelor of Science degree in Physics from Queens College. I practiced law from approximately 1996 to 2001 with a part-time practice handling real estate transactions, alimony matters, and child support issues, but I have worked as a full-time engineer since 1974.
5. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons and set forth below my experiences and observations while residing at Fulton Commons.
6. I contracted COVID-19 during April of 2020 and was initially admitted to South Nassau Community Hospital ("SNCH") in Oceanside, New York. I was in the hospital for

EBS

approximately 14 days. Along with my COVID-19 diagnosis, I experienced some blood pressure issues, was on blood thinner medication, and experienced chest pains. I was at SNCH from April 11 to April 25, 2020 because I had COVID-19. Twelve of the 14 days I spent at SNCH were in the Coronary Care Unit ("CCU").

7. Dealing with COVID-19 was a difficult experience. The virus caused me to miss two months of work and created long-term fatigue issues that I had to deal with.

8. When I was released from the hospital, I was admitted to Fulton Commons and lived on the COVID unit. I was in the same room the entire time I was there, and I had a roommate who I believe was also COVID-positive.

9. There was no visitation of residents while I was at Fulton Commons. Nobody ever provided me with an iPad to communicate with my family or friends while I was there.

10. While I was at Fulton Commons, I could get to the bathroom by myself, and I could move around. However, I was significantly weakened from being sick and needed to build up my strength to recover. I requested that Fulton Commons provide me with weights and exercise equipment for my room, but these items were never made available to me.

11. When I arrived at Fulton Commons, I was given a physical examination and diagnosed with a fungal rash. A prescription was ordered for it, but I was never given the prescription despite requesting it from the certified nurse aides ("CNAs"), the desk nurse, and the facility doctor.

12. I was provided inadequate nutrition while a resident at Fulton Commons and was often hungry. The meals Fulton Commons served were inadequate to prevent weight loss. One such breakfast Fulton Commons served me consisted of a slice of bread, a pat of butter, a tub of jelly, a very small hard-boiled egg, and a cup of milk. After much complaining I was finally able

to obtain enough calories to maintain my body weight. One time, my roommate took some oatmeal from my breakfast because he was hungry also.

13. In addition to the inadequate nutrition, Fulton Commons did not consider my medical conditions and served me an unhealthy diet despite the fact that I spent twelve days in the CCU at SNCH. Often my meals consisted of whole eggs, butter, cheese, whole milk, beef, salt, and sugar. I spoke to the Fulton Commons nutritionist multiple times regarding this and was able to have more oatmeal added to my diet and (sometimes) skim milk instead of whole milk. The rest of the food I was provided remained the same (*i.e.*, eggs, beef, cheese). My total cholesterol after leaving Fulton Commons was ^{259 EBD} 252. Two months later, after putting myself on a heart-healthy diet, my total cholesterol was ^{196 EBD} 197.

14. Following my discharge from the hospital, and during the first eight days of my time at Fulton Commons, I was confined to my room 24x7 as a COVID-19 quarantine measure. After the eight days, that restriction was supposed to be lifted; however, I was routinely confined to my room and only allowed to walk in the hallway with a staff member for physical therapy for a few minutes each day.

15. The staff member who provided me with physical therapy, Melanie Evangelista, is not even a physical therapist, and is only licensed in New York State as an occupational therapist. The physical therapy I received was on weekdays, and only consisted of 15-20 minutes of exercise. This inactivity led to a degeneration in my strength and fitness.

16. After I left Fulton Commons, I went to a physical therapy establishment where the sessions were 1 ½ hours, and included physical manipulation of the joints, aerobic exercises, and strengthening exercises. This was significantly different from the minimal therapy I had received at the Fulton Commons facility.

17. While I was a resident at Fulton Commons I was deprived of sleep and provided unnecessary medications. There was continuous traffic of people into my room, either attending to myself or my roommate. I can recall one such incident approximately two hours before my breakfast where I was given a pill for acid reflux even though I did not have acid reflux. I was informed by staff that the pill for acid reflux was standard because of all the other pills they were providing me. I kept taking my medications after discharge, without the acid reflux pill, and I did not have any gastrointestinal problems. There were also the middle of the night checks of my vital signs and my roommate's vital signs. I had even asked the Fulton Commons CNAs and the desk nurse for some sleeping pills and was told that Fulton Commons did not "drug" patients. This request included over-the-counter sleep aids such as Melatonin or Benadryl and I was told that someone would have to ask the doctor. Despite all these requests, I never received any sleep medications from Fulton Commons staff.

18. I tried to sign myself out of the facility and be discharged on or about April 30, 2020. My request to leave was denied and I was ordered back to my room. I believe that I was kept at Fulton Commons under false pretenses. I was advised by Fulton Commons staff that my discharge date from the Fulton Commons facility was determined by the insurance company, Blue Cross Blue Shield (BCBS), and not by Fulton Commons. I contacted BCBS, who told me that based on the information provided by Fulton Commons, BCBS was willing to pay for another week. I believe that the only reason Fulton Commons kept me is that the insurance company was willing to pay. There was no consideration of the progress I had made.

19. I tried to leave again on or about May 2, 2020, but was refused discharge again. I requested a discharge plan be issued, and I was told that a discharge planner would come to my room on or about Monday, May 4, 2020, to release me that week, but no discharge planner ever

came to my room. I ultimately contacted an attorney on or about May 7, 2020, for help in getting a discharge plan and obtaining my release from Fulton Commons.

20. I ultimately left Fulton Commons on Friday, May 8, 2020, without a discharge plan. When Fulton Commons staff attempted to prevent me from leaving, I told them I would call 911 and have Fulton Commons staff charged with assault if they touched me.

21. Thereafter, I filed a complaint with the New York State Department of Health regarding the poor care I received while a resident at Fulton Commons.

Ezekiel Sachs
EZEKIEL SACHS

Sworn to before me this
19 day of Sept 2022

John M. Tarpey
Notary Public, State of New York
No. _____
Qualified in _____ County
Commission Expires: _____



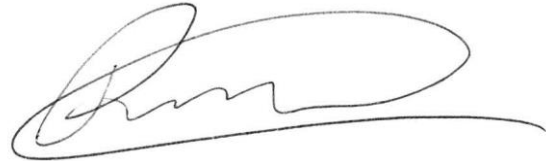
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 1,334 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a long horizontal flourish extending to the right.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov

In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
KRISTEN TRAINA**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

KRISTEN TRAINA, being duly sworn, attests as follows:

1. I am the designated health proxy of my mother, E.B., a former resident of Fulton Commons Care Center, Inc. ("Fulton Commons"), located at 60 Merrick Avenue, East Meadow, New York 11554. My mother was a resident there from shortly after Martin Luther King Day, January 18, 2016, to February 18, 2021.

2. I am ⁴⁸~~47~~ years old, employed as a hairdresser, and I currently reside in Merrick, New York. ^{KLT}

3. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons and set forth below my experiences and observations while caring for and speaking with my mother as a resident of Fulton Commons.

4. My mother was born in 1944. She had two children and used to work as a cook in a deli. She had a stroke two years prior to her admission at Fulton Commons and was living at home with a home care attendant. In 2016, following a hospital visit, a doctor told her that, due to atrophy, she could no longer live at home and would need long-term care. She was admitted to Fulton Commons thereafter. Despite her health concerns, my mother was lucid and communicated her concerns to me.

KLT

5. Prior to the COVID-19 pandemic, I would generally visit my mother several times each month. The last time that I saw my mother in person was in February 2020. After February 2020, all of my contact with my mother was through a GrandPad with Facetime capabilities. A GrandPad is essentially a simplified tablet geared towards seniors. I spoke to my mother through the GrandPad daily.

6. I was not happy with the care my mother received at Fulton Commons, and I complained to various staff members, including Lisa Peterson and Cathie Doyle, through phone calls because they would not accept e-mails.

7. The issues that I was concerned with included my mother not getting her disposable briefs changed, and a delayed staff response to call button requests for assistance. This happened often. My mother expressed this concern to me monthly, especially during the COVID-19 lockdown. Once, my mother told me that her disposable brief was not changed from about 10:00 a.m. until approximately 1:30 a.m. (15 hours), which caused my mother to get a rash. There were other times when my mother would be left in the bed for days at a time, and I would have to request that she be put in a wheelchair. Although I do not remember the exact dates of these incidents, I was in constant contact with my mother via the Grand Pad that I had provided for her.

8. After reporting the information above to Fulton Commons staff, I was later contacted by Lisa Peterson who I understand is Fulton Commons Administrator Cathie Doyle's assistant. Ms. Peterson denied that my mother had not been changed or had COVID.

9. My mother was assigned to room 240A at Fulton Commons. This room was a double room with a second bed. My mother's roommate died around the end of April 2020, while my mother was still in room 240A. My sister told me that my mother's roommate tested positive

for COVID-19 two weeks before she died, but the official cause of death was listed as COPD (Chronic Obstructive Pulmonary Disease).

10. My mother's roommate's body was left in the room with my mother for several hours that day with the curtain drawn. I was told that the reason her roommate's body was left in her bed for that extended period of time was so the family could view the body and make arrangements with the funeral director. My mother told me this directly using the GrandPad we gave her to communicate with me.

11. On or about April 21, 2020, my mother developed a cough and a fever at Fulton Commons. My mother was not tested for COVID-19 or isolated from others when she developed these symptoms.

12. The only information I received from Fulton Commons were pre-recorded messages from the facility stating that there were no positive COVID-19 cases in the Fulton Commons facility. It wasn't until on or about May 5, 2020, that I received a pre-recorded message that there were COVID-19 cases within the Fulton Commons facility.

13. My mother was tested for COVID-19 antibodies and, on May 18, 2020, the test came back positive.

14. My mother ultimately died at Fulton Commons on February 18, 2021 at the age of 76.


KRISTEN TRAINA

Sworn to before me this
23 day of SEPT 2022


Notary Public, State of New York
No. _____
Qualified in _____ County
Commission Expires: _____

JOHN M TARPEY
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01TA6327981
QUALIFIED IN NASSAU COUNTY
MY COMMISSION EXPIRES JUL 20, 2023

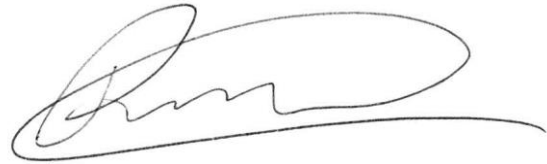
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 750 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
Office of the Attorney General
Medicaid Fraud Control Unit
300 Motor Parkway, Suite 210
Hauppauge, New York 11788
Prabhjot.Sekhon@ag.ny.gov

In the Matter of an Investigation Pursuant to
N.Y. Exec. Law § 63(12) re: Fulton Commons
Care Center, Inc.

**AFFIDAVIT OF
WILLISTENE WILLIAMS**

STATE OF NEW YORK)
)
COUNTY OF _____) ss.:

WILLISTENE WILLIAMS, being duly sworn, attests as follows:

1. I am the daughter of and health care proxy for my mother M.M., a former resident of Fulton Commons Care Center, Inc. ("Fulton Commons"), a nursing home located at 60 Merrick Avenue, East Meadow, New York 11554.
2. I am 59 years old and currently reside in Hempstead, New York. I am currently on disability, but I previously worked as a certified nurse aide ("CNA").
3. I submit this Affidavit in connection with the New York State Attorney General's investigation into Fulton Commons and set forth below my experiences and observations while caring for and speaking with my mother, M.M., as a resident of Fulton Commons.
4. My mother was born in 1937. My mother was a home health aide for at least fifteen years before she got sick. She had ten children, seventeen grandchildren, and so many great-grandchildren that I can't recall the exact number. On November 21, 2018, my mother was admitted to Fulton Commons for long-term care due to dementia and Diabetes. She had previously been a patient at the Grandell Rehab and Nursing Center in Long Beach, New York. My mother died at Fulton Commons on September 2, 2020.

ww

5. I used to visit my mother at Fulton Commons twice per week until visitation was stopped due to the COVID-19 lockdown in March 2020. When my mother's regular CNA, Brigitte, was absent, I made a point of visiting my mother to ensure that the other staff members were performing their assigned duties. I previously worked as a CNA and thus understand what the job entails. I had to insist that staff members give my mother a shower twice per week and change her robe when it became dirty. The staff at Fulton Commons used to become upset with me when I reminded them of the tasks they were expected to complete for my mother. I always ensured that everything was completed in front of me before I left Fulton Commons.

6. My mother's room was perpetually filthy with dust accumulating under her bed, and her bathroom not being cleaned. The dining room was also dirty, with food on the floor. Housekeeping was worse on weekends. I believe they did not have enough staff to care for the residents.

7. I was unable to visit my mother during the COVID-19 outbreak because of the lockdown. I FaceTimed with my mother once or twice, but she was unable to communicate due to her dementia.

8. During the lockdown, I received a call from a nurse who told me that my mom had small pressure wounds on her bottom and left leg. The wound nurse informed me that the wounds were minor, and that they would be treated appropriately. I never personally saw the wounds because the only times that I saw my mother after this incident were outdoor visits because of COVID-19 precautions.

9. I saw my mom outside for the first time since the pandemic lock-down began, in late June or beginning of July 2020. I last saw my mother in August 2020. They escorted my mother outside so that I could see her. My mother had deteriorated since the last time I saw her.

Her face was sunken in, and her leg was severely contracted. Fulton Commons was unable to explain how this occurred. From my experience as a CNA, I believe that they were not repositioning my mother in bed. The staff informed me that, "that is how your mother prefers to sleep."

10. During her stay at Fulton Commons, I took photographs of my mother. Attached to this Affidavit as Exhibit 1 are two photographs that are an accurate reflection of her physical condition immediately prior to the COVID-19 lockdown. In contrast, there are three photos that I took of her when I was able to see her in the summer of 2020, after the lockdown, which are attached to this Affidavit as Exhibit 2. These photos illustrate my mother's deterioration during the COVID-19 lockdown. She became frail and did not look like herself.

11. Fulton Commons could not explain my mother's declining health. When I voiced my concerns to a nurse, they were incredibly rude to me. Because Fulton Commons was unable to offer proper care for my mother throughout the pandemic, I filed a complaint with the New York State Department of Health.

12. My mother died at Fulton Commons on September 2, 2020. Fulton Commons did not tell me my mother's cause of death, but her death certificate states it was cardiac arrest due to atherosclerotic heart disease. My mother's death has haunted me. Her leg was so contracted to the point where she could not even lay straight in the casket.

Willistene Williams
WILLISTENE WILLIAMS

Sworn to before me this
21st day of SEPT. 2022



Notary Public, State of New York
No. 01LU6020890
Qualified in SUFFOLK County
Commission Expires: MARCH 8, 2023

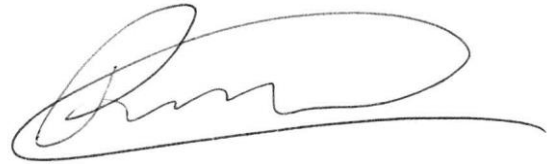
CERTIFICATION PURSUANT TO RULE 202.8-b

I, Prabhjot Sekhon, an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in Rule 202.8-b as it contains 790 words, excluding the parts of the Affidavit explicitly exempted by Rule. In preparing this certification, I have relied on the word count of the word processing system used to prepare this Affidavit.

Dated: Hauppauge, New York
December 12, 2022

Respectfully submitted,
Letitia James
Attorney General of the State of New York

By:

A handwritten signature in black ink, appearing to read 'Prabhjot Sekhon', with a large, sweeping loop at the end.

Prabhjot Sekhon
Special Assistant Attorney General
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