



## **They thought their mother was safe in her nursing home. Then their worst fear came true — <https://bit.ly/3JNo0IT>**

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It was just before noon on a February day last year when Lorece Stewart went missing at the nursing home where she lived.

Stewart, a quiet, strong matriarch whose six children had almost never seen her cry, had been in her room an hour earlier, but the nurse assigned to her care now couldn't find her. The 93-year-old had lived at Newark Manor since 2020 in a room on the third floor – a secured unit. Her dementia put her at risk of wandering and injuring herself.

Close to 30 minutes after she went missing, a code was alerted and all of the staff began searching the building and surrounding grounds, according to a state inspection report. Nothing.

They searched again. 911 was called at 1:40 p.m.

Nearly two hours after Stewart went missing, a nurse phoned the woman's youngest son, Robert. When he answered, a nurse asked him: Is your mother with you?

Stewart's children had moved their mother to Newark Manor because they felt she would be safer living in a skilled nursing facility than in her home. But as Robert raced to the facility to find her, he wasn't so sure.

Before Stewart stepped foot into the for-profit nursing home, Newark Manor had been cited repeatedly over the last decade by the health department and received two immediate jeopardies in that time, the most serious type of deficiency.

Hundreds of pages of inspection reports from the past decade paint a concerning picture of the care some patients received there, a Delaware Online/News Journal investigation found. The facility has a history of being understaffed and not following state and federal regulations – including in emergency situations.

The state once found the facility failed to ensure the staff was knowledgeable in first aid.

Lorece Stewart. She was a quiet and strong matriarch of six children. She was found dead outside of Newark Manor, the nursing home where she lived, in February 2022.

In 2017, the state Attorney General sued the facility for its substandard care, eventually settling two years later. Newark Manor was forced to pay \$380,000 as well as follow a two-year corporate integrity agreement, which consisted of several performance review obligations.

Yet some experts have called into question certain aspects of the settlement agreement, specifically how elements are weaker than industry standards.

Three years after that settlement was reached – and with Newark Manor still under some review by the state – the Stewarts were unaware of the problems facing the nursing home where their mother lived.

When Robert arrived at Newark Manor minutes after receiving the call, his brother Richard was already there. So were two police officers. Richard saw their mother's body leaning on a fence near the generator, right under a balcony on the third floor.

She was stiff and cold to the touch. Her body was battered. Stewart had no pulse.

Could Stewart's death have been prevented? A year later, Robert Stewart and his siblings are still searching for a definitive answer on how she died – and who is responsible. The family filed a lawsuit against Newark Manor in late 2022, claiming negligence and wrongful death.

Newark Manor administrator David Boyer declined to answer specific questions for this story, citing pending litigation and privacy laws.

"There is so much more to the fabric of our facility than some allegations and a settlement from 2019, and I do not wish to publicly fan the flames of issues that are being sorted out in the legal system," he wrote in a subsequent email. "You cannot drive from Delaware to Philadelphia without seeing a handful of signs for lawyers whose practice is to drum up lawsuits against the operations that fill a huge need in our society.

"There are so many wonderful people who show up to care for and enrich the lives of the elderly who reside here, which personally has been a huge blessing for me to work alongside over the last 11 years," he continued. "The families of residents who are here day in and day out are an integral part of the fabric of our facility and they see and feel the care and compassion within these walls. At its core, this is an industry of enduring people caring for enduring people. These people ought to be celebrated in our society."

Robert Stewart feels the state – and the facility – has failed his family.

“The tragedy with which my mom died is unique,” he said. “But what happens to older people – this is not unusual. The state is complicit in allowing this to go on.”

### **A decade of deficiencies at Newark Manor**

The woman screamed and moaned in pain. Her inner thighs were burned, then blistered, from the hot coffee that spilled into her lap.

There was no immediate first aid. No cool compress or bandages placed on the burns. Staff removed her clothing and put her in bed. The resident eventually received proper care six hours later.

A dentist recommended a resident see an oral surgeon for their multiple fractured teeth, noting that none of them were salvable. The resident was experiencing gum pain. Yet there was no record of the facility following up or arranging these necessary procedures.

Patients unable to control their urination weren't properly cared for. Medical errors about insulin dosages. Understaffing. Dirty floors, dirty bathrooms and dirty wheelchairs.

These incidents are examples of the dozens of deficiencies Newark Manor has been cited for, according to inspection reports from 2011 to 2022 reviewed by Delaware Online/The News Journal. The reports detail patterns of a lack of proper care, cleanliness of the facility and policy and procedure.

In 2011, the facility was deemed to be in immediate jeopardy, the worst type of deficiency, when a state surveyor realized many Newark Manor staff were not trained in fire emergency procedures.

The report detailed a fire alarm going off during an inspection and many employees not sure of what they should do, particularly with the cognitively impaired residents on the third floor.

Ilene Warner-Maron, a leading expert on nursing home litigation, said repeated violations like these represent larger systemic issues as opposed to the fault of some employees. She teaches a class on nursing home regulations at the University of Delaware and has four decades worth of experience working in nursing homes.

In nursing home settings, she said, there's often very little root analysis to figure out how to fix large problems.

And states often don't expect facilities to do this, Warner-Maron said.

Shutting down a nursing home, even if it has significant issues, is almost never seen as the best way of fixing a problem either, experts said.

Mary Peterson, the former director of Delaware's Division of Health Care Quality, said in her experience, forcing a facility to close is very difficult – and it can be detrimental to residents.

The residents, she said, can experience “transfer trauma” if they are forced to move to a different facility, which could potentially worsen their condition. Instead, the state works with a facility to fix its issues, she said.

“Unfortunately,” Peterson said, “it seems to be that the bad actors can clean up their act, but then go back to being bad actors when they're not being strictly watched again.”

### **A settlement agreement in question**

In 2017, the state of Delaware made a somewhat rare move. The Attorney General's Office sued Newark Manor for issues stemming from 2011 to 2017. It entered into a settlement agreement two years later.

Though the agreement was not an admission of guilt, it settled allegations that Newark Manor provided “substandard and worthless services to its residents” and failed to prevent them from harm, as well as inaccurately reported some residents' clinical conditions to Medicaid.

Newark Manor was forced to pay \$175,000 to the state's Division of Medicaid and Medical Assistance as well as dedicate more than \$200,000 to capital improvements to the facility to “enhance resident care,” according to a press release at the time.

The facility also entered into a two-year corporate integrity agreement with the state of Delaware, in which the Attorney General's Medicaid Fraud Control Unit would monitor the facility's compliance with the agreement.

But experts who reviewed these documents questioned certain aspects of the state's corporate integrity agreement.

The settlement states that a compliance officer has to be named to monitor improvements being made. This had to be a Newark Manor employee and a member of senior management, who would monitor day-to-day compliance as well as follow the agreement's reporting obligations.

David Boyer, the nursing home administrator since 2015, was named this person – an uncommon move, according to experts.

“You don't want to have the (nursing home administrator) as your compliance officer because it's like having the rooster in the henhouse,” said Warner-Maron, a former nursing home administrator who has worked on these agreements.

For compliance officers in these types of situations, it's often best to have someone other than the nursing home administrator. There's a concern that issues or complaints that get made could be buried, she said.

"We don't recommend it at all," Warner-Maron said.

David Hoffman, a law professor at Drexel University, questioned why the agreement didn't include a third-party monitoring Newark Manor, which is often customary. His consulting firm serves as a third-party monitor for corporate integrity agreements, helping facilities evaluate and fix any systemic issues.

Hoffman previously worked as an assistant U.S. attorney in Philadelphia, where he was the first to create these types of agreements with health care facilities.

An attorney general's office, he said, often doesn't have the experience to effectively monitor nursing homes.

"They don't have that component within their four walls," he said. "They're not regulators. They don't have a bunch of nurses standing around to do this."

A spokesman for the Attorney General's Office said the state doesn't "comment on third parties' opinions."

Documents obtained by The News Journal show that as of 2021, much of the capital improvement funds appear to not have been spent. The pandemic disrupted renovation plans.

In a January 2021 report sent to the Attorney General's Office, the facility wrote that it is "holding off on more room renovations due to the pandemic as we are limiting access to resident areas to keep exposure at a minimum."

Two capital projects had been completed as of January 2021: new flooring for one room and a new boiler, totaling \$22,833.75. The agreement stated \$206,000 needed to be spent.

Newark Manor did not respond to questions about any other capital improvements that have been made to the facility.

### **'My mother matters'**

Newark Manor sits on the edge of downtown Newark along Nottingham Road. Between a church and a series of homes, the beige-and-red building extends off the road to a tree line.

In late September, Robert Stewart stood on the sidewalk with his wife and three of his older siblings, just feet away from where their mother's body was found outside the nursing home. In their hands, they carried signs.

"Ignored dementia patient found dead outside."

“My mom found dead outside Newark Manor/ Feb. 2022/ Still no answers”

“Care of elderly matters/ My mother matters”

Drivers slowed down as they squinted their eyes to read the signs, their mouths soon agape. Several mouthed “Oh my, God.”

Lorece Stewart had struggled with dementia for years, and by 2019, it had progressed. One of her sons stayed with her at night. The other children cared for her during the day while juggling their full-time jobs.

They still caught glimpses of their disciplinarian parent and introvert, a woman who raised her children to be hard workers with good values. Her daughter Connie recalls seeing her mother cry only once.

By 2020, the situation became untenable. Robert Stewart, in agreement with his siblings, began looking for nursing homes. But because of the pandemic, finding a nursing home was incredibly difficult. Fully touring the facilities was not possible.

The family settled on Newark Manor. They liked that it was smaller and there were employees who had worked there for more than a decade. It was nearby. They were also told her floor would be secured and locked at all times.

With Stewart being quiet and not very social, the siblings also knew the transition would be difficult. They felt she would be overlooked in a larger facility.

Robert Stewart said he was not aware of the state settlement or any of the care issues for which Newark Manor was cited. Even now, on the federal government’s website detailing information about nursing homes, there is no information on Newark Manor’s settlement agreement or details about the extensive history of its previous care issues.

Because of COVID-19 restrictions, the Stewart children could see their mother in limited ways only, with regular in-person visits beginning in 2021. Each child who lived in the area visited her in person a couple of times a week.

Looking back, Robert Stewart now sees potential signs of concern. The facility reported instances of Lorece Stewart wandering into other people’s rooms. The family also received reports of their mother “losing” her glasses and dentures, which confused them.

In another incident, Robert Stewart said he received a call about how she had significant bruises, including a black eye, but the facility wasn’t sure how. He then complained to the director of nursing.

An internal investigation, Robert Stewart said he was told, found it was likely because she wandered in the middle of the night and tripped in someone else's room.

Still, Stewart maintained some independence, her children said. She was able to get dressed by herself and hold conversations, though her memory would lapse.

Her children visited her just days before she died. And though it was clear her dementia was progressing, the Stewart siblings found that when they visited, she became a version of herself again.

“When we showed up, she would just light up like a Christmas tree,” Robert Stewart said.

Now, the Stewart siblings are still grappling with the horrific way their mother died.

### **‘I don’t want to see anybody’s parents die like this’**

Following the deficiencies cited from Stewart’s death in February 2022, the nursing home submitted a plan of correction to the state. Newark Manor acknowledged that it failed to “provide adequate supervision and an environment free of accident hazards” for Stewart.

Every resident’s elopement risk assessment was updated and additional wander guards – a bracelet attached to a resident that alerts staff when the resident is near an alarmed door – were placed on those assessed for high risk.

An audible alarm was also placed on the third-floor hall door exit, in addition to the keypad that already existed. Other changes included conducting elopement drills regularly, as well as education for new hires.

Lawmakers sent a letter to the health department in the fall asking about the concerns Robert Stewart raised to his local representatives, particularly about the condition of the balcony, which is connected to the floor where his mother lived. Her body was found right by it. The family has questioned if she got out and fell off, leading to her death.

Molly Magarik, health secretary, wrote in an October letter to lawmakers that no deficiencies were cited for the condition of the balcony. She added that in June, the state imposed a civil monetary penalty of \$40,000 for the deficiencies related to Stewart’s death, which is the maximum fine under state regulations.

Newark Manor then requested an administrative hearing to dispute the penalty. An independent hearing officer lowered the fine to \$10,000, a health department spokeswoman said.

A Newark Police Department spokesman confirmed that an investigation was conducted following Stewart’s death. He said the case has been closed with “no evidence of criminal conduct.”

When asked if the Attorney General's Office is investigating Stewart's death, a spokesman said the state "can't comment on this except to say that we are aware of the incident and that the file is still open."

The Delaware Medical Examiner cited the cause of death to be a hemorrhage from a pelvic fracture, according to the lawsuit filed by the Stewart family. The medical examiner also found Stewart's injuries to be "consistent with a fall."

According to the settlement documents, one aspect of the corporate integrity agreement lasted until October 2022, which was months after Stewart died. The terms for the rest of the agreement ended in 2021. The Attorney General's Office did not respond to questions about if this changed anything related to the state's monitoring or the settlement agreement.

"We are not aware of Newark Manor filing a separate report about the incident with DOJ," a spokesman said. "Given the circumstances ... it would have been reasonable to assume that DOJ was aware of the incident."

In the months after Stewart's death, her children have continued to press for answers. They filed a lawsuit and passed out an estimated 200 fliers to different homes surrounding Newark Manor, informing neighbors about Stewart's death.

"I don't want to see anybody's parents die like this," said Shelby Stewart, one of Lorece Stewart's sons.

On the day of the September protest outside of Newark Manor, Oscar Stewart, another one of Stewart's sons, spoke with a woman outside of her home, just a block down from the nursing home.

The woman, Oscar said, told him she was thinking about admitting her own mother to Newark Manor. She, too, was unaware of its history.



