

Hello my name is Linda Garcia. I am a 4<sup>th</sup> generation Coloradan. This is my family.....







## Marie Madeline Lucero Garcia

( January 04, 1937 - September 01, 2017 )

Surrounded with peace, love and light, Marie Madeline Garcia passed on September 1, 2017.

Born in Trinidad Colorado to Beatrice and Alex Lucero in 1937, she is 5th in line to her 11 brothers and sisters. The Lucero family moved to Brighton and later settled in Denver.

She met her love Mike Garcia and married in July 1954.

Marie enjoyed being a mom, raising and teaching her four children David, Michael, Joseph and Linda. She was a fun, devoted and loving mother and wife who lived and lead by example and taught her children to be loving and compassionate towards others. Marie also taught her children to have an open mind and spirit. She truly was the heart of the house.

Marie was an activist, and helped give those a voice that needed to be heard. She volunteered with the homeless and children were her passion. Her generosity and care for others was contagious. Marie's sense of humor and laughter were infectious.

Throughout her life of loss and hardship, she remained strong and dedicated to the Lord. In her later years, she was surrounded by the love and laughter of many Beautiful human beings. She had a deep connection with her daughter Linda who was present when she got her wings and could fly.

After many years in between, Mike was welcomed back into her heart. Our parents were able to share precious moments and memories together when it really mattered. And in the end, there was love, just love!

Mama, Marie, Maddie, Auntie Nena...

was loved and adored by her extended families, her nieces and nephews, her friends and all who knew and knew her.

She will be missed dearly.

The Garcia family invites you to the celebration of life, Friday, September 15, 2017



**Michael J Garcia**

( August 18, 1932 - December 28, 2020 )

Michael J. was born in Denver on August 18, 1932. He passed peacefully on December 28, 2020 at the age of 88. He did it his way!

His body grew weary with time and age until he drew his last breath. There upon his full circle of life complete. He missed his loved ones so dearly, longing to reunite with Maddie, David, Michael, and Joseph. I know that they welcomed him back home and his heart was fulfilled evermore.

This is not easy to sum up my fathers life with kind words and memories... having said this:

My father looked up to his brothers. The stories he shared of the Garcia boys selling newspapers, wagons of ice and soap his mama made (on the streets of Denver during the Depression era) are so telling of the times. The hardships and determination were a blueprint of the man he would become.

He was a proud graduate of West High School. Geography was one of his favorite subjects. He was active in sports he enjoyed such as football and boxing. His love for

music inspired him to play guitar, and he was known to be quite the crooner to swoon all the girls!

He enlisted in the Navy and served his time in the Korean War as the ship's barber. He became quite the bodybuilder, strong like a bull! Upon his return, he remembered a beautiful young girl he met before his call for duty... my grandparents Alex and Beatrice gave my mother and her soon-to-be husband Mike their blessing.

He was ambitious and an entrepreneur-- Mike's Barber Shop opened its doors in 1953. The opportunity arose and he was offered a position with the Silverton, Colorado mining company as treasurer. The driving to and from Durango and Silverton proved to be treacherous, but he fulfilled his spirit of adventure with the spectacular, majestic mountain views. Throughout all his work endeavors he retired with Coors Brewery.

These were the best years of his life-- a beautiful wife, a beautiful life! His love for Maddie was never-ending, regardless of space and time. He adored his eldest son David, and his twins Mikey and Joey. Linda will always be the apple of his eye.

The road trips across the country during spring breaks were always fond memories for my father. He enjoyed his young family. Gatherings with all the cousins, aunts and uncles, nieces and nephews, with friends, singing, laughter, fun and delicious food were an invitation for Mike to get the guitar and... swoon all the girls!

I will miss our time spent together. I will miss watching you enjoy your Spaghetti Westerns. I will miss listening to the colorful stories of your life. I love you. You are my daddy, Michael. You always have been and you always will be...



## **Loss of a Parent**

*You gathered incredible strength  
in order to die  
to seem calm and fully conscious  
without complaint, without trembling  
without a cry*

*so that I would not be afraid*

*Your wary hand*

*slowly grew cold in mine*

*and guided me carefully*

*beyond into the house of death*

*so I might come to know it*

*Thus in the past you used to take my hand*

*and guide me through the world*

*and show me life*

*so I would not fear*

*I will follow after you*

*confident as a child*

*toward the silent country*

*where you went first*

*so I would not feel a stranger there*

*And I will not be afraid*

*Blaga Dmitrova*











### **Our Story:**

My parents married very young in 1954 when my mother was only 17 years old and my father was 23. They wanted children and were blessed with four healthy babies including my three brothers, and as I was told as the youngest and the only girl, the cherry on top! People would say oh you must've been spoiled, my response was, sure I was spoiled but it was their love that filled my heart!

My brothers were my bodyguards and the best big brothers a girl could have. My parents were not perfect, but they came pretty damn close! I'm grateful I have such wonderful memories of my family, of course not without bits of dysfunction that manifest within all families. We respected each other and were of service to others. Our deep faith in God was the glue that held us together in our most trying times. My mother was the heart of the house, and I often reflect on my mother's wisdom and inspirational poems. She remained strong in her faith, resilient and fierce until the end.

Unfortunately, my brothers passed away and I was left to make important decisions to ensure my mom and dad's well-being, care and safety were my top priority. My goal was to insure they were living in a healthy environment where they can thrive as they aged and have dignity to the end. I had conversations with my parents about love, life and death. I promised them that I would do whatever I could to ensure their well-being. I did not want them to have any pain or any suffering. They both said we don't want to be a burden. No parent wants to feel as though they're a burden on their children. I told him they were never a burden! I love them and it was my honor. Family, love and sacrificing is not a new concept within my family.

The advocacy for your loved ones comes at a hefty cost on your mind, body and spirit, not just your pocketbook. In addition, there is very little, if any, resources for caregivers. I know this because I had to keep searching and searching, to not only help myself, but to help the other caregivers I would encounter. We all shared concerns about our parents and love ones, and the lack of care they were receiving in elder facilities. So much for growing old gracefully.

I feel extremely grateful that I have a therapist that has helped me go through these hard times. I understand everybody does not want to seek this kind of help or can afford the service, but it should be available to all at little or no cost. I have caregiver burnout beyond, and I feel broken and suffer from PTSD. My mother's inspiration continues to give me strength to advocate for the elderly, even in spirit. I know my parents were acutely aware of the neglect and abuse they received in elder care facilities. How could they not, for god's sake they had to live, eat and breathe it!! I have such anger and disappointment concerning elder care facilities and could go on and on about this with would anyone willing to help make change.

I did my best to shield them from the chaotic interactions from the top of the food chain to the bottom. I don't think I was asking too much to make sure my parents were showered, fed, and if they weren't hungry at the time, given other options when they were ready to eat later. Every entity and request were dismissed in regard to accommodating my parent's needs.

My challenge was to try my best to remain calm and collected. God forbid if I inquire with staff about how their night was and how their day is going. Inquiries were met with deceit and deflections, never giving me appropriate answers to simple questions but reassuring me they were receiving the care I was told they would receive. I would leave feeling sick to my stomach with nowhere to turn, but you go on to the next day and pray they received care and were safe. It was a constant uneasiness I had to contend with.

I will sum this up. I'm a daughter. I am my mother's daughter and I am my father's daughter. More times than not, visiting them became stressful for all of us. It should not feel like this. I

tried to make it calm and relaxing filled with memories, laughter and special treats they would enjoy. This is the very least that they deserved. I have done all I can do, and now it is time for reform. It's time to acknowledge the harsh realities of what is truly happening behind closed doors, so we can trust our loved ones in the care of elder facilities. The Senate Bill 22-154 is a step in the right direction. Please on behalf of all families dealing with care for their parents and loved ones have accountability by the facilities that take care of them. The most important thing is to give our elderly dignity in the end without stress, anxiety and neglect in the care of elder facilities.

Linda Garcia

I would like to thank the committee members and Senator Danielson for bringing forward **SB 154-Concerning Increasing Safety in Assisted Living Residences**. My name is Jeanette Hensley, I am a volunteer for Colorado Center for Aging, and we Strongly Support this bill.

In 2020 there were **(1,220,946 ) 1.2 million older adults aged 60 and older – of those 340,343 were 75 and older, of those aged 60+, (349,589) 350k are living with a disability and 95k (94,971) are living in poverty.**

In 2020, Colorado had 230 nursing homes with a total of 20,784 beds and 695 assisted living homes with a total of 25,637 beds. This represents **46,421 older adults living out of their own home and in a facility at one point in time**. There are more older adults than this that reside in a facility throughout the entire year. With Colorado's older adults growing faster than most other states, this number will only increase.

*The top five complaints in nursing homes and assisted living residences in 2020 were: quality of care (1,018), autonomy, choice, rights (769), admission, transfer, discharge, eviction (458), environment (406 in total), and dietary (267).*

We know that most residents receive quality care in assisted living facilities, yet too **many are neglected, and others are victims of psychological, physical, and other kinds of abuse**. This is **NOT** what anyone wants for their loved one. This bill will establish a process protecting those facing involuntary discharge. The discharge could be because the patient had to go

to the hospital – if the facility wants to they can discharge the person and fill their bed with another. This leaves the patient homeless. Is this what you want for your parent or family member? We need to set standards and protections for all. Therefore, this bill is important to strengthen the protections for Colorado's older adults and persons with disabilities residing in assisted living facilities. *Yes, there are times when a person does need to be discharged from a facility, they can no longer provide the care, the person could be a danger to themselves and others, or the person broke their hip and may need to go to a rehabilitation facility while they are healing. These are appropriate discharges.*

This bill will increasing the current cap on fines for penalties. The current cap is \$2,000 a year. *The industry, did not want to increase the cap, they were worried about how much it will increase their budget.* A\$2000 yearly CAP on Assisted Living Facilities for harming older Coloradoans! That is \$2,000 a year and it doesn't matter if they seriously harm one person or 20 older adults. That is why they want the \$2,000 a year cap. That is ridiculous; is this all that an older adult's safety is worth? We need this bill to help incentivize further protections for seniors.

The bill requires facility owners to check Colorado's Adult Protective Services Data System when hiring an employee who is responsible for the care and welfare of residents. We need to be sure that someone who may have harmed a person at another location or at home is not allowed to just change employers and have the chance to hurt someone else. We need to protect our most vulnerable older adults.

CCA and Colorado Cross Disability Coalition Strongly Supports this bill and is asking for you to vote yes for your future and for those you love.

House Public Behavioral Health & Human Services  
SB22-1031 – Increasing Safety in Assisted Living Residences  
April 26, 2022 Testimony

Madam Chair and Members of the Committee, my name is Mary Fries. I am a Volunteer with AARP which has over 670,000 members in Colorado.

I am a retired long-term-care professional, physical therapist, and Director of Rehabilitation at a non-profit, skilled nursing, sub-acute rehab, memory care, assisted living facility.

I am a daughter, who last year traveled to CA on an emergent basis to fight for my parents' rights and safety... against a facility that skirted and steamrolled my parents' rights, and **partially** succeed in putting Dad at greater risk, never mind the trauma to Mom. I stayed over a month to fix the crisis that the facility put our family through.

AARP, this physical therapist, and this daughter strongly support SB22-154.

Skilled Nursing Facility residents have Federal laws to protect them, but ALR residents do not.<sup>1,2</sup> State safety laws are needed.

**FIRST** – This bill establishes a long-needed notification and appeals process to protect residents from abrupt and/or inappropriate involuntary discharges.

- The number one ALR grievance is improper eviction & inadequate discharge planning.<sup>3,4</sup> The CO regulation of written 30-day discharge notice would move to statute, so discharges can be planned, orderly, safe, and minimize distress.
- Abrupt discharges **ARE** a safety issue, especially when a resident has dementia. Residents with cognitive impairments are at greater risk of suffering declines when abruptly moved to a new place.<sup>5</sup> Moving is confusing when their environment, routines, and support systems change.
- Colorado's regulations regarding ALR discharge are buried in **Code of Colorado Regulations**,<sup>6</sup> so residents and families don't know their rights. How about this buried regulation? "Prior to discharging a resident because of increased care needs, the assisted living residence shall make **documented efforts** to meet those needs through other means."<sup>7</sup> This and other regulations should move to statute.
- If discharge is due to an emergency situation, the discharge may take place in less than 30 days, but the written notice and appeals process still remain in effect, protecting a resident's rights.

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<sup>1</sup> The Nursing Home Reform Act of 1987 enacted sweeping changes designed to protect nursing home residents, including protecting residents from involuntary transfer and discharge.

<sup>2</sup> Defending Evictions from Nursing Homes and Assisted Living Facilities (12/2017)  
<https://ncler.acl.gov/pdf/LTC%20and%20Evictions%20Issue%20Brief.pdf>

<sup>3</sup> Administration for Community Living (*Last modified 11/24/2021*)  
<https://acl.gov/programs/Protecting-Rights-and-Preventing-Abuse/Long-term-Care-Ombudsman-Program>

<sup>4</sup> Assisted Living Kicks Out The Frail 'Cause 'We Can't Take Care Of You Any Longer' - Is there anything families can do to fight these evictions? <https://khn.org/news/assisted-living-kicks-out-the-frail-cause-we-cant-take-care-of-you-any-longer/>

<sup>5</sup> Increased confusion, temporary sleep problems, wandering, falls and appetite changes. (Alz. Asso)

<sup>6</sup> Code of Colorado Regulations. CDPHE, Health Facilities and Emergency Medical Services Division. Standards for Hospitals and Health Facilities, effective 6/14/2021. 1011-1, CH 7. Part 11: pages 31-32; Part 13: page 40.  
<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=9550&fileName=6%20CCR%201011-1%20Chapter%20007>

<sup>7</sup> Ibid, page 31.

**SECOND** – This bill institutes minimum standards for ALR Administrators regarding education, training, and experience, assuring Administrators are qualified to run ALRs, manage employees, and keep residents safe.

**THIRD** – This bill Allows for Increased fines for violations that result in harm or injury to a resident... the goal is to deter lax safety practices.

Please vote YES on SB22-154, to protect the safety and safeguard the rights of older adults.

Mary Fries, PT, DPT  
Littleton, CO 80123



925 S Niagara St Suite 600

Denver, Co 80224

***Representing >29,000 Coloradans***

RE: SB22-154 - SUPPORT

Members of the House Public, Behavioral Health & Human Services Committee

Dear Representatives,

The Colorado Alliance for Retired Americans is in strong support of SB22-154, "Increasing Safety in Assisted Living Residences."

This is a very important bill and years overdue especially since our Colorado senior population is growing so significantly. Assisted Living Residences frequently prey on our seniors. This bill identifies issues including processes for involuntary discharge, rule-making, restrictions on, training and standards for these facilities.

Please support this bill.

Sincerely,

CARA Lobby Committee, Mona Moffatt, Sara Gagliardi, Sheila Leider, Ed Augden, Ken Debey