

Greg Fortune Testimony in Opposition to HB 2638

My name is Greg Fortune and I live in Milwaukie. I am the eldest of 9 siblings and speak today on behalf of my four brothers and sisters, Janis, Gary, Nancy and Tim. Our brother, Kevin, was among those who were infected with COVID-19 and died at the Healthcare at Foster Creek Nursing home. He was 59 years old. My siblings all kept close tabs on Kevin's status while he was living at Foster Creek and could all speak to our personal experiences, but I will try to cover what I can here. We come to you because we have not been able to find answers since his untimely death. We are here because we deserve those answers and the legislation you are considering would stop our family and others like us from getting to the bottom of what really happened to our loved ones at the hands of Foster Creek.

Around 2011, we started to notice issues with Kevin. At that point he moved in with my sister Janis. She had him evaluated where adult foster care was recommended for him. Kevin was dealing with several issues, including dementia and a long-fought battle with alcoholism. The home could not handle Kevin's verbal outbursts and kicked him out. He was evaluated again and put on medication. In 2015, he was placed at Foster Creek. At that point, Kevin was unable to communicate or care for himself, needing help with daily life activities.

Because he was unable to express what was happening, we relied on Foster Creek to communicate his condition and provide us with updates. The last time any of us saw Kevin at Foster Creek was when Janis visited him in February. Kevin was doing well. He was singing, dancing and seemed happy. At that point, there wasn't much concern about coronavirus.

What we find most complexing in our search for answers is some of the events leading up to his diagnosis of coronavirus on March 26th, 2020. In early to mid-March, we learned that Foster Creek was letting patients physically interact with each other and that Kevin had been attacked by another resident three times in mid-March. At that point, Foster Creek reported the altercations to Janis and assured us that Kevin and the other patient would be isolated from each other. Why it took three attacks for them to make changes, we have no idea. Though we were made to think they would be separated, Kevin was once again attacked by the same patient.

If they cannot manage to contain these patients with repeated violent interactions, how could they possibly respond to separating patients during an infectious disease outbreak? These attacks left Kevin vulnerable, weak and scared. They coincided with a period of time where Kevin started showing other signs of concern; repeated falls, shaking and general weakness.

In early March, Foster Creek sent a letter, assuring families that staff was being trained on new safety standards, they were deep cleaning and closely monitoring the situation. At that point, no visitors were allowed, so we couldn't see for ourselves.

On March 23rd, we got a call Kevin had a fever which had spiked to 104 degrees and he couldn't sit up. Staff thought it was the result of a UTI, but Janis, fearing he was sick, asked that he be tested for coronavirus and sent to the hospital. He went to an emergency room where he was cleared of a UTI but was presumptive for coronavirus. With only moderate symptoms, the hospital sent Kevin back to Foster Creek the next day, assuring us these facilities were equipped and trained to handle outbreaks and treat patients.

Nancy asked Foster Creek if Kevin was the only patient who had the virus. They said Kevin was the only one they knew of who had been infected. Subsequent information would show they were aware of other cases at the time.

We were desperate for updates. We asked Foster Creek to perform their own test on Kevin, which came back positive for coronavirus on March 26th. At that point, his symptoms were mild, but he wasn't eating much or being given fluids. From then on, updates were hard to come by. We would all try to call but were having trouble reaching anyone and when we did, we got very little information. It seemed they were short-staffed and those we spoke to sounded very tired and overworked. They said Kevin was eating and drinking a bit and there was nothing to worry about. We made attempts to visit with Kevin by Facetime to see for ourselves, but they didn't allow it.

On April 2nd, Janis got a call from Foster Creek. Kevin was close to passing. We were told his breathing was heavy and they would continue giving him morphine for pain. This was the first mention to any of us about morphine. They said he had less than 12 hours left.

After Kevin's death, we requested a full copy of his medical records as we searched for answers on how this could have happened, but we were only sent a copy of his treatment plan with no specific medical records. We again requested his specific medical records. Nothing ever came. I believe they are hiding what really happened to all of those patients who died or became sick.

2020 a tough year for our family. We also lost our brother, David in January. We were fortunate to spend the last few days with him. We had great communication with his medical staff and were able to make his care decisions ourselves. There were none of those opportunities with Kevin. Was he put in DNR mode? We don't know. Was he allowed to die?

We struggle to deal with Kevin's death as so many other families who have lost loved ones to coronavirus. What we cannot live with is our lack of understanding about how things could have gone so wrong. We couldn't get answers while the outbreak was happening and we can't get them now. And the legislature would consider taking away our opportunity to bring closure and resolution for our family, and justice for Kevin? We deserve better than that. All families deserve better than that.