

**SANDRA THURSTON BANNING STATEMENT**

JULY 23, 2008 - 10:00 AM - Rm 1539 Longworth House  
**THE IMPACT OF PREDATORS IN LONG-TERM CARE ON SMALL  
BUSINESS OPERATORS**

Sirs and Madams, My name is Sandra Thurston Banning and I address you today because of my deep concern for the welfare of the vulnerable adults in our long term care facilities in the United States. I would like to ask this Congress to pass a law that requires background checks on all residents in long term care facilities.

**Background:** My mother, Virginia Thurston, was the wife of a U.S. Navy Chief for 23 years. She raised four children while my father was often deployed, either in support of WWII or the Korean War or simply protecting the United States. My father was deployed for a total of 13 years during their 23 year marriage. The point to be made here is my mother became very independent and learned to handle the everyday crisis of rearing a family of three sons and a daughter on her own. Determined to live on her own and be independent, she remained in her home even though she was constantly in danger of harming herself or being harmed by another. She would go walking at night believing she was going to school or work and the police would bring her home and call one of her children. I told her repeatedly she could not walk at night because there were people out in the world who would rape or assault her. She would always say "Oh Sandra, who would want to rape an old woman?" After four years of continually trying to allow her to be in her home she loved so dearly, and keep that independence she fought so hard to maintain, we found it necessary to place her under the care of the staff in a long term care facility (nursing home). The only thing I have ever done harder than placing her in the nursing home was placing her in the ground when she died in November 2003.

Why do I tell you this background? I want to make this statistic real. Right now, my mother is just a number; a victim counted in some tabulation of assaults, or nursing home residents who have had the misfortune to be in the wrong place at the wrong time. She was a person, a loving warm caring woman who made her children her life and one I loved more than life itself. I just wanted to keep her safe and happy.

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I surveyed every nursing home in the area before selecting All Saints Nursing Home in Jacksonville. It was close to my office so I could go see my mother at lunch and on the way home from work. This nursing home was relatively new to the Alzheimer's world and had just opened the "Butterfly Wing" for those individuals with dementia or memory ailments. Mother didn't understand why she was there. We (her children) told her it was because we were trying to get her medication regulated and she accepted that for the time being. The staff didn't know exactly what to do as they had little experience dealing with dementia patients. We subsequently moved mother to Southwood Nursing Center that had a much more open floor plan where mother was able to have the freedom to move about. Mother could walk until her heart was content and she would have a little bit of the freedom she needed to be happy.

Ivey Edwards was also a resident at Southwood Nursing Center. He lived in a wheel chair and had a very nasty disposition and often used foul language, but so did a lot of the residents at that nursing home. At ten o'clock PM on July 23, 2002, Ivey Edwards wheeled his chair past two different nursing stations and into my mother's room. He placed his wheel chair under the handle of her door where he wouldn't be disturbed and climbed into bed with my mother and raped her. Two nurse's aides were making rounds and found my mother's door closed which was supposed to be open. When they tried to open the door, it would only move a couple of inches because of the wheel chair, but far enough that they were able to see movement in my mother's bed. They entered mother's room from the room next door that shared a common bath. When they saw Ivey Edwards in mother's bed on top of her, they ran to get the nurse because they were afraid of him. When the nurse came in the room, Ivey Edwards stopped assaulting my mother and climbed out of her bed. The nurse said he still had an erection as he pulled up his pajama bottoms and walked back to his wheelchair. He was taken to his room from what I understand. Ivey Edwards was 83 years old. Not your typical rapist, I am sure.

The nurse called me at home that night around 10:30PM. He told me they were making rounds and found a man in bed with my mother but nothing was happening. They stated the man was just lying there. The duty nurse asked if I wanted them, Southwood Nursing Center, to send mother to the

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Sexual Assault Response Center (SARC). I asked if they were sure nothing had happened and I was told again the man was just lying there and mother was asleep. I told them not to wake her up and scare her to death. The nurse assured me nothing had happened and they would let her sleep.

The next morning, Southwood's Social Worker called me at work and told me more had occurred than I had originally been informed and the nursing home would have to send mother to the SARC. I told them they would not do anything until I got there and I immediately left work to go to the nursing home where I was met by the staff, police and my mother. My mother was completely oblivious to what was going on and I had to tell her she had been raped. She was absolutely horrified and embarrassed. Because of her dementia, I had to tell her many times that morning because she was confused and each time, she relived the terror. No one should have to endure this kind of trauma. I will never know if she was aware of the rape when it occurred, but I pray to God she did not. The nursing home knew that night what had occurred because they removed her bed linens, her nightgown, under garments and bagged them for the police. Ivey Edwards was taken to jail at 2:30 AM the next morning, yet I was told nothing happened. I had to personally take my mother to the SARC and hold her hand while she cried and they performed the examination. No daughter should have to endure this kind of pain and trauma.

When Ivey Edwards was arraigned for sexual assault, I was informed by the detective handling the case that he ran a background report in a matter of a few minutes and found Mr. Edwards had a criminal record (59 arrests) dating back to the early 1940's and he had been ordered by a Judge in Alachua County, Florida to be placed in a nursing home because he was a danger to himself and others in society. The court system locked this monster away with vulnerable adults and placed my mother in harm's way.

I sued Southwood Nursing Home for negligence. It took five long years to finally go to court and in February 2007, as a result of a jury trial, Southwood Nursing Home and Sterling Healthcare, Inc. were found guilty of negligence and mother's estate was awarded \$750,000. As of this writing, neither Southwood Nursing Center nor Sterling Healthcare, Inc., have paid one dime of the judgment. The

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money isn't important to me and won't unrape my mother, but the verdict of negligence on the part of Southwood Nursing Center and Sterling Healthcare, Inc., gave me what I needed to go to Tallahassee, Florida and pursue legislation to require background checks on all residents. There is already a requirement to perform background checks on staff and doctors. The residents can be just as dangerous as the staff and doctors, as was proved by Ivey Edwards.

The Florida legislature has considered a bill to require background checks, but so far have been unable to agree on passage.

**In summary**, something has to be done to protect our loved ones from the violent offenders residing in nursing homes. I realize these individuals are entitled to care and protection from others and themselves. But at what cost? I placed my mother in a facility to keep her safe and out of harm's way. I apparently did nothing more than lock her away with a monster that had free reign to assault her while the staff stood by unaware of this man's criminal past. The residents, the residents' families and the staff have a right to know who is under residential care at these facilities. A simple background check is a small price to pay for peace of mind for all concerned. It doesn't cost a lot and does not require a major rewrite of rules and regulations governing nursing homes and long term care facilities to make a change. If the staff had known Ivey Edwards was a convicted child molester and rapist through a background check, they might have stopped him at 10 PM on July 23, 2002 as he wheeled his way into my mother's room and perhaps my mother would not have been raped.

There are hundreds of documented cases of violent offenders and predators currently residing in nursing homes throughout the United States. It could just as easily be you, your mother or father, your sister or brother, your wife or husband the next time. Can you live with that? Perhaps we can take Oklahoma's lead and establish a long term care facility in each state just for violent offenders. Illinois already requires a background check on all residents of long term care facilities paid for by the police department. Several states are beginning to take action to protect their senior adults from predators like Ivey Edwards. Why not make it a national requirement to check the background on everyone working or residing in a

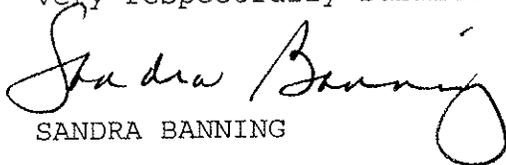
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nursing home or long term care facility? Such a simple requirement can have such a tremendous impact and perhaps save the life or prevent the suffering of someone you love.

I realize and appreciate there are a lot of important issues coming before you on a daily basis. We have a war going on, gas and food prices are high and the stocks are down. This is my own personal war which I add to your list. Again, I would like to ask this Congress to pass a law requiring background checks on all residents in long term care facilities. Help me make a difference. Thank you all for your time.

Very respectfully submitted,

A handwritten signature in cursive script that reads "Sandra Banning". The signature is written in black ink and is positioned above the printed name.

SANDRA BANNING