

BUSINESS

Senators challenge assisted living industry over wandering deaths, poor care

Lawmakers say scrutiny over dangers in dementia care will continue; industry seeks to avoid federal oversight

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The U.S. assisted-living industry faced scrutiny Thursday from a bipartisan group of lawmakers who pressed for answers about low staffing, high costs, and a lack of transparency surrounding poor care and the preventable deaths of elderly people with dementia walking away unnoticed from facilities — an all-too-common tragedy revealed by a Washington Post [investigation](#) last month.

The federal government does not oversee the industry.

The chairman of the Senate Special Committee on Aging, Sen. Bob Casey (D-Pa.), called Thursday's hearing citing The Post's reporting. He said deliberations about potential federal regulations will continue and asked the public to send stories of costs and care to help inform the committee. Casey said Thursday's hearing — which included testimony from an advocate, an industry representative and a loved one who called the committee to report bad care — was the start of the biggest review of assisted living by the Senate in 20 years.

“Unfortunately, what I heard today makes clear that we have a long way to go when it comes to guaranteeing the level of care that older Americans in assisted-living facilities deserve,” Casey said in a statement after the hearing.

Richard J. Mollot, executive director of the Long Term Care Community Coalition, testified that consumers can't be assured they will get quality care without national standards. “It is time for [federal regulation] ... so that when someone accesses dementia care, it means something, it's not just a term of art,” he said.

Sen. Elizabeth Warren (D-Mass.), a member of the committee, agreed. She called for federal regulation of assisted-living facilities on a par with government oversight of nursing homes, which measures cost and quality and includes a website allowing consumers to look up staffing data and incident reports. She said the government needs to start by demanding quality and incident information from assisted-living operators.

“This has gone on long enough without federal oversight,” Warren said during the hearing. In a hallway interview after the session, she added, “It’s important we get these regulations in place before private equity has scooped up every assisted-living facility around the country and stripped it of the assets they have.”

Prospects for the introduction of legislation remain uncertain, however, much less the passage.

The largest assisted-living lobbying group in Washington, the American Health Care Association/National Center for Assisted Living (AHCA/NCAL), pledged after the hearing to “support collaboration and transparency among policymakers, providers and the public” and educate people about the benefits of state regulation. Argentum, another industry group, said its members receive high resident and family satisfaction scores under the regulatory system. Industry representatives have previously said federal regulation would damage the assisted-living industry and drive up costs.

Casey did not commit to any particular provision that could be considered by Congress. The ranking Republican on the committee, Sen. Mike Braun (Ind.), cautioned against federal regulation and said he favors state regulation and oversight. But he did advocate for a stronger government role in promoting transparency about costs and quality in facilities.

“If you don’t do a good job, you don’t welcome competition and transparency — you’re going to invite the federal government into your business,” Braun said in an interview after the hearing.

Assisted living has grown dramatically since the Senate issued a report two decades ago — only to opt against regulating the industry. Assisted-living facilities now have nearly as many residents as nursing homes.

The industry’s rapid push into more costly “memory care,” marketed to families desperate to find a safe haven for loved ones with cognitive decline, has concentrated residents with high levels of medical and behavioral needs in settings subject to varying levels of scrutiny, depending on the state.

The Post investigation revealed that assisted-living facilities are often ill-equipped to handle the job of protecting these vulnerable residents.

The Post documented 2,000 wandering incidents since 2018, with more than 100 of them fatal, including a handful of older incidents reported to the newspaper after publication. Since mid-December, when the investigation was published, at least two more residents with dementia perished after getting outside unnoticed — one in Oregon on Christmas Eve, and the most recent on Saturday, a man who was outside for about eight hours on a frigid night in Columbus, Ohio.

Argentum and AHCA/NCAL have said wandering deaths are extremely rare in the context of the millions of people who have resided in the last five years in the 30,000 member facilities across the country.

Critics say higher levels of risk and dangerous incidents require a stronger response by the federal government after decades of inaction. A witness at the hearing, Patty Vessenmeyer, of Gainesville, Va., testified that her late husband received poor care in a memory-care unit in Virginia. TVs were blaring at odd hours, PVC pipe was left that could be used as a weapon, and the facility was understaffed, she said.

“They did not deliver. They definitely overpromised,” she said under questioning by Casey. “There just was not enough staff for them to get it done. They were friendly, wonderful people who weren’t trained, and they were overwhelmed.”

Julie Simpkins, a member of the NCAL board and co-president at Gardant Management Solutions, an assisted living operator, echoed industry talking points during the hearing and warned senators against pursuing uniform standards.

“When we talk about assisted living, it’s important to note that every state, every facility and every resident is different,” she said. “Efforts to standardize all assisted-living communities would be both unworkable and irresponsible for resident care.”

She said her “thoughts and prayers go out” to loved ones of residents who died after going outside but said the “overwhelming” number of assisted living residents have a positive experience.

The Post’s articles detailed low pay, chronic understaffing and spotty state requirements for training. Sen. J.D. Vance (R-Ohio) questioned how the industry planned to fill the millions of caregiving jobs that will be required as baby boomers reach their 80s.

Thursday’s hearing came less than a week after the latest fatality reported to The Post. Surveillance video showed Robert Weaver, 74, peering out a window of the Cherry Blossom senior living facility in Columbus about 1 a.m. Saturday and then going outside through an exit door, according to his son, Troy. The low temperature was 6 degrees that night.

Weaver was not found until about 9 a.m. by facility staff, unresponsive on the sidewalk outside the building, according to police and county coroner reports. The retired delivery truck driver was wearing only his favorite Ohio State University sweatshirt against the extreme weather, his son said. First responders declared him dead at 9:22 a.m.

Troy Weaver said he moved his father to Cherry Blossom at the end of November because his symptoms of Alzheimer’s disease made it dangerous for him to remain at his rural farmhouse.

He said that even before his father died, he’d begun having concerns about his care. “When I went there on Jan. 9, the room smelled of body odor. He hadn’t showered for a few weeks and I was a bit shocked at that and I was a bit angry.”

Robert Weaver resided in a general assisted-living unit, not a secured memory-care unit. Industry representatives have said there should be a distinction between walkaway deaths at those different types of facilities, but the Post investigation found that state investigators issue violations for failures in both types of settings after fatal wandering deaths.

“I didn’t want him to be living alone. I wanted him to be safe,” Troy Weaver said. He said he was stunned Cherry Blossom staff did not notice his father wander outside in extreme cold and didn’t detect his absence for eight hours.

“This system needs regulation and people need to know our loved ones are safe,” he said. “If I’d have left him at the farm, living alone, I could at least understand how it happened.”

The Ohio Department of Health said it cannot comment on an ongoing investigation. Cherry Blossom, which is operated by the for-profit chain Continental Senior Communities, declined to discuss the incident, citing patient privacy laws, but said in an email that it is providing additional education for staff and cooperating fully with regulatory authorities.

“We are taking every possible step to find answers for the family and to help ensure that there is no similar occurrence in the future,” Cherry Blossom said.