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Feds fault LewisGale hospital

By Jeff Sturgeon

Health care regulators wrote up LewisGale Medical Center last year for keeping a deceased patient's body in an unchilled morgue.

But that wasn't the only problem with the care of the patient, an elderly man who had been in hospice before being rushed to the emergency room at the Salem hospital. According to a government report, hours before he succumbed, a nurse left him groaning in pain to go to lunch.

"The facility staff failed to ensure a patient (Patient #3) received considerate, respectful, compassionate and dignified care," regulators said in the report from September 2022.

Hit by findings that it was out of compliance with federal health care standards, a necessity to receive payment from government health insurance programs, LewisGale strengthened its practices to the satisfaction of regulators, ending the matter with no penalties issued.

Neither the Centers for Medicare and Medicaid Services nor the hospital announced the write-up written 13 months ago by investigators, who were with the Virginia Department of Health and working on behalf of the federal agency. The Roanoke Times obtained the report last month while preparing an unrelated story about a future hospital project in Bonsack.

The hospital declined to make an official available for an interview. It released a statement saying "we strive to always provide compassionate, high quality care and treat people with dignity and respect. In this instance last year we fell short of our standards."

LewisGale continued, "An action plan was implemented along with monitoring to ensure ongoing compliance. The Virginia Department of Health reviewed our action plan and resurveyed the hospital, finding the hospital to be in substantial compliance."

A Roanoke Times investigation identified the individual as 64-year-old Robert Russell King, who was admitted to the hospital suffering from liver cancer and a history of strokes and died within a day. Issues related to arranging cremation delayed the transfer of his body to a funeral home.

His corpse remained in the hospital morgue from July 2, 2022, to Sept. 1, 2022, and entered a hastened state of decomposition, the report said. The problem was traced to a malfunction of the body chiller, which went undetected by staff until it broke down completely and allowed the temperature to rise more than 15 degrees above recommended levels, the report said.

In 2022 the Medicare and Medicaid programs paid \$17 billion to LewisGale Medical Center's parent company, HCA Healthcare Inc. of Tennessee, according to an HCA financial report. There is no indication that any money was withheld over the incident. LewisGale hospital is a major regional provider of care that opened in 1909 and is licensed for 500 beds.

At the trailer park in northeast Roanoke where King lived, residents recalled a man they referred to as “Rob” as a lover of flowers who lived with a dachshund-beagle mix dog named Digger. King had worked for years as an upholsterer, according to Brenda Almond of Salem, his sister.

As King’s health declined, he had to give up his dog, which was placed for adoption with the Regional Center for Animal Care and Protection and adopted a short time later. In his final months, King attended a walk-in baptism event at a Roanoke church. A neighbor shared a picture of King in the tank, his red wheelchair at the side, receiving blessings from a microphone-holding minister.

“Probably one of the first times I’ve seen him smile,” trailer park resident Austin Mendenhall said.

Around this time, the frail King had begun to live in the home of a longtime friend in Salem.

On July 1, he collapsed and was taken by ambulance to LewisGale Medical Center, where he was admitted, according to Almond and government records. Doctors had prescribed oxycodone for pain to be given as needed every four hours, according to the Medicare report, which also details his stay as “Patient #3.”

At 9:09 the morning after his admission, he received pain medicine from a nurse and rested for a time, but later complained of pain and was groaning. The nurse told him it was not time for more pain medicine, but that she could bring more when she got back from lunch or, if he could not wait, could contact the doctor.

The nurse clocked out for lunch at 11:51 a.m.

Midway through the nurse’s break, at 12:09 p.m., King hit the three-hour mark when he “could have received medication” again, the report said. Nurses had discretion to give him pain relief as much as an hour early or an hour late.

Despite knowing he was in pain before the nurse left for lunch, the nurse, who returned from lunch at 12:27 p.m., did not check on King until 12:56 p.m.

He was dead.

“There was no evidence in the clinical record that any other nurse administered medications during that time, nor was the physician contacted,” the report said.

Questioned later by investigators about the handling of King, the nurse responded, “I should have put the patient’s needs first. It was inappropriate.”

The hospital put King’s body in the morgue “until there was a determination of who would be responsible for the disposition of the remains,” the report said.

King’s friend and sister notified the office of Salem Sheriff April Staton they could not afford to pay for final arrangements. In such a case, state law empowers the sheriff to initiate a petition to the court for assistance, but the sheriff did not end up doing so. King’s family, Simpson Funeral Home and Crematory in Roanoke, the Roanoke office of the Virginia Department of Social Services and hospital personnel

worked over a number of weeks to arrange for King's transfer to the funeral home on Sept. 1 for cremation, the sheriff's records showed.

In an effort to identify "Patient #3," The Roanoke Times obtained a copy of the records by asking if the sheriff had assisted with arrangements for any person who died at LewisGale on July 2, 2022.

No part of the Medicare investigative report named King.

While the parties were arranging the cremation, his body deteriorated in the morgue. About 10 days before the body was transferred out, a hospital staff member discovered that the body cooler that records show contained King's body was not chilling, the report said. The staff applied ice and brought in a portable air conditioning unit, while repair personnel began efforts to address the problem, the report said.

But an immediate and complete fix proved elusive.

More than three weeks after King's body was removed, Medicare surveyors showed up unannounced to investigate a complaint involving King and to see the morgue. Though no body was present, one thing that jumped out was that the meter on the body cooler read 55 degrees. A body in storage is supposed to be kept at 36 to 39 degrees, the hospital would later acknowledge to investigators.

Staff members recounted that there had been a body in the morgue for an extended period and "there had been an odor," the report said. Probing for the scope of the breakdown, surveyors asked for a temperature monitoring history for the morgue, a temperature monitoring procedure or clarity on who was in charge of the morgue area. Staff could provide none of that, the report said.

"Due to the lack of monitoring of the temperature, the facility staff failed to recognize when the cooling system was failing until it became completely non-operational and the temperature significantly exceeded the recommended range. This resulted in the hastening of the decomposition of a patient's (Patient #3) remains," the report said.

Inspectors also noted dirt on the floor, a dried substance on a metal table and soiled items including instruments and hospital gowns, their report said.

Hospital officials responded by implementing a temperature monitoring practice for the morgue body storage cooler and a cleaning regimen, among other steps.

The Medicare organization returned a few months later for a follow-up visit, found conditions in good order and closed the matter. "No penalties were issued against the facility," said a Medicare spokeswoman who requested to not be identified.

King's ashes sit in a container beside his mother's on the fireplace mantle in Almond's home. There was no funeral or obituary.