

P U B L I C   H E A R I N G

before

ASSEMBLY COMMITTEE ON INSTITUTIONS,  
PUBLIC HEALTH AND WELFARE

[Investigation of Essex County  
Hospital, Belleville, New Jersey]

Held:  
October 29, 1965  
Essex County Hospital  
Belleville, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Joseph J. Maraziti [Chairman]

Assemblyman Irwin I. Kimmelman

Assemblyman James H. Wallwork

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I N D E X

<u>Name of Witness</u>	<u>Page</u>
Roberta May Bernard	2
Grace Eva Thompson	7
Elizabeth Augusta Alden	10
Richard W. Judson	13

ASSEMBLYMAN JOSEPH J. MARAZITI [Chairman]: The meeting of the Institutions Committee will come to order.

Let the record show that there are present: Assemblyman Kimmelman of Essex County; Assemblyman Wallwork of Essex County; and Assemblyman Maraziti, Chairman, of Morris County.

First let me take this opportunity to thank Dr. Ford for making available the conference room and the facilities at the hospital. We want you to know, Doctor, on behalf of the Committee, that we certainly appreciate your cooperation.--

DR. FORD: Thank you.

ASSEMBLYMAN MARAZITI: [Continuing] -- in this regard and in every other regard.

Now, as I stated at the opening of the last meeting of the Institutions Committee, this is sort of a preliminary study to determine whether or not this Committee is to go into a full and thorough study and inquiry of conditions here at the Essex County Hospital.

Assemblyman Wallwork has a number of witnesses that he would like to produce and we will move along expeditiously as I know many of you have other things to attend to. Unless any other member of the Committee has a statement to make, I will proceed with calling the witnesses.

Let me say that it is a practice of the Committee after the transcripts have been prepared - and I so direct Mr. Applebaum - to see to it that the transcripts are forwarded to the prosecutors and grand jury foremen of each county. Now this is an established procedure, not necessarily pinpointed to Essex County, but the procedure we followed in Morris County

and in every other county where we hold a hearing that affects an institution in that county. So when these transcripts are prepared, Mr. Applebaum, make sure that the Essex County prosecutor and the foreman of the Essex County Grand Jury each receive separate copies of the transcripts. Do I make that clear? Not only the prosecutor, but the foreman of the grand jury that may be sitting at that particular time, are to receive copies.

Now does any member of the Committee wish to make a statement? [No response.]

I will proceed to call Mrs. Bernard. Will Mrs. Bernard step forward, please.

R O B E R T A     M A Y     B E R N A R D,     being duly sworn,  
testified as follows:

Q     Could you give us your full name and address?

A     Roberta May Bernard, 16 Berkeley Heights Park, Bloomfield,

Q     And how long have you been admitted to the  
practice of nursing approximately?     A     Since '35, 30  
years.

Q     Wonderful. Let me congratulate you.     A     Thank  
you.

Q     And you are presently employed where?     A     Essex  
County Hospital, Belleville.

Q     And can you tell us approximately how long you  
have been employed at the Essex County Hospital, Belleville?

A     Sixteen years all told, eight years some years back and eight  
years now.

Q And can you tell us your present title in the Essex County Hospital if you have one? A Head Nurse.

ASSEMBLYMAN MARAZITI: Now, Assemblyman Wallwork, will you kindly continue with the examination of the witness.

ASSEMBLYMAN WALLWORK: For the record I would like to say that I am well aware that Mrs. Bernard has an outstanding record as a registered nurse and is most highly regarded and respected by her associates here in the hospital and her associates in the nursing profession.

BY ASSEMBLYMAN WALLWORK:

Q Mrs. Bernard, I have only two or three questions I would like to ask and the first one is: Were you ever directed to go elsewhere, outside of the hospital, to take care of a patient? A Yes.

Q Were you supposed to be on duty at Soho during this time? A Yes.

Q When approximately did you receive these directions? A It was perhaps about two years ago.

Q About two years ago. And where were you sent, Mrs. Bernard? A Beth Israel.

Q To Beth Israel Hospital? A Yes.

Q Did you sign in over at Beth Israel Hospital? A Yes, sir.

Q How long were you on duty at Beth Israel Hospital? A Two nights.

Q What was the name of the patient to whom you were

directed? -- Well, what was the type of duty that you did over at Beth Israel?       A Private duty.

Q     A private nurse in a private room, is that correct?  
A Yes, sir.

Q     What types of duties did you perform while you were on duty over there?       A Well, all that any nurse would perform in an eight-hour duty.

Q     What was the name of the patient for whom you were performing the nursing services?       A Mr. Gordon, G-O-R-D-O-N.

ASSEMBLYMAN MARAZITI: Excuse me. Could you spell that again for me?

THE WITNESS: G O R D O N.

ASSEMBLYMAN MARAZITI: What is his first name?

THE WITNESS: Benjamin.

ASSEMBLYMAN MARAZITI: Do you know his address?

THE WITNESS: No, I can't tell you.

Q     Mrs. Bernard, who paid your salary during the time that you were over at Beth Israel Hospital?       A Mr. Gordon.

Q     Mr. Gordon did?       A Yes, sir.

Q     And were you paid here while you were on duty at this hospital?       A I believe so.

Q     You were paid twice in other words?       A Yes.

Q     So you received pay from him and you also received pay from this hospital?       A Yes, sir.

Q     At whose direction did you go over to Beth Israel Hospital?       A My superior, the Directress of Nurses.

BY ASSEMBLYMAN MARAZITI:

Q     Your superior.       A The Directress of Nurses.

Q What was the name? A I didn't give any name.

Q Will you kindly give the name? A Miss Metily.

BY ASSEMBLYMAN WALLWORK:

Q I am not clear in my own mind, Mrs. Bernard, when you say that you were paid by the hospital for that week -- In other words, I want to be clear in my mind. You work, generally speaking, a five-day week, is that correct?

A Yes.

Q And you were paid by Mr. Gordon and by the hospital for the same days that you were actually on duty at Beth Israel?

A Yes.

ASSEMBLYMAN WALLWORK: I don't think I have anything further.

BY ASSEMBLYMAN MARAZITI:

Q May I ask a question or two? I will be very brief. You were paid by the hospital by check? A Yes.

Q And you were paid by Mr. Gordon or his family by cash or check? A Check.

Q Both made out to you? A Yes, sir.

Q Were you paid weekly? A Every two weeks.

Q Every two weeks. Now did you retain this money? Was it retained by you? A Yes, sir.

Q Were you required to turn over any part of it to the hospital or to anyone else? A No, sir.

Q Were you required to make any contribution to anyone else or any organization? A No, sir.

Q -- either at that time or some other time?

A No, sir.

Q You retained the full amount of money for yourself?

A Yes, sir.

Q But even though you were paid by the hospital for that two-day period, you did not work at the hospital for that two-day period? A That's right.

Q Were there any other times that you worked in this dual capacity? A No, sir.

BY ASSEMBLYMAN WALLWORK:

Q Mrs. Bernard, when did you receive the payment from Mr. Gordon? A The morning I went off duty.

BY ASSEMBLYMAN MARAZITI:

Q One more question and I am through. You were instructed by your Directress of Nurses to attend to Mr. Gordon, to take care of Mr. Gordon, right? A Yes.

Q How was it explained to you by her? A Well, she asked if I would go on duty with Mr. Gordon. He had no night nurse.

Q And what? A He had no night nurse and I was asked to go on.

Q Wasn't there any discussion that this might be a little out of the ordinary? Wasn't there any discussion about that? A Well, I didn't question it especially because she is my superior and we do as we are told.

Q Now is she still employed at the hospital? A Yes, sir.

Q She is. And you felt you were following instructions? A Yes, sir.

ASSEMBLYMAN MARAZITI: Assemblyman Kimmelman.

BY ASSEMBLYMAN KIMMELMAN:

Q Mrs. Bernard, is it normal for nurses from this institution to go and do private duty in other institutions? A Not to my knowledge.

Q Do you know whether similar instances have occurred? A I do not.

Q Only one instance with respect to yourself? A That's right.

Q You don't know about any instances involving any other nurses? A I do not.

Q Do you know who this Mr. Benjamin Gordon is? A I do now. I didn't know then.

Q Who is he? A He is a Freeholder.

Q Of Essex County? A Yes, sir.

ASSEMBLYMAN MARAZITI: I have no further questions.

Let me thank you, Mrs. Bernard for appearing here.

Mrs. Thompson.

G R A C E E V A T H O M P S O N; being duly sworn, testified as follows:

BY ASSEMBLYMAN MARAZITI:

Q What is your full name and address, Mrs. Thompson?

A Mrs. Grace Eva Thompson, Essex County Hospital, Belleville, New Jersey.

Q And you live in the hospital? A I live in the Nurses Home.

Q Thank you very much and you are, I assume, a registered nurse? A I am - in four states.

Q Will you tell us how long you have been a registered nurse in the State of New Jersey? A Since 1949.

Q And what is your capacity here at the hospital?  
A Head Nurse.

ASSEMBLYMAN MARAZITI: Assemblyman Wallwork, will you kindly proceed.

ASSEMBLYMAN WALLWORK: For the record again, I would like to point out that Mrs. Thompson has an outstanding record and is well regarded by not only those of her associates who work here in the hospital, but by other people throughout the nursing profession.

BY ASSEMBLYMAN WALLWORK:

Q Mrs. Thompson, were you ever directed to go elsewhere to take care of a patient? A Yes.

Q Were you supposed to be on duty at Soho Hospital at that time? A Yes.

Q When were you directed to go elsewhere, Mrs. Thompson? A I can't recall the date - approximately two years ago.

Q Where were you sent, Mrs. Thompson? A Beth Israel.

Q And how long did this arrangement continue?  
A I was only there five hours.

Q You were there five hours. Did you sign in over at the hospital? A No, I didn't.

Q Under what auspices did you enter the hospital?  
A I entered the emergency room. They told me where the patient was and I went up. That's all.

Q What were the circumstances surrounding your being dispatched to Beth Israel Hospital? A Well, I came in from the ambulance run and I was asked to go.

Q In other words, you were on duty here at the hospital during that time. Is that correct? A Yes.

Q And you were sent while you were on duty at the hospital? A Yes.

Q And who were you sent to take care of over at the hospital? A I think his name was Mr. Gordon. I am not sure because it has been so long. I didn't keep a record of his name.

Q And this was a young man was it not? A Yes.

Q A relatively young man? A Yes.

Q So presumably this is not the person that Mrs. Bernard referred to. A It is evidently the same one, but I don't recall. I didn't write his name down.

Q Were you paid by the hospital during this time you were over at Beth Israel Hospital? A Yes, I was.

Q Were you also paid by the patient over in the Beth Israel Hospital? A No, I wasn't.

Q But this was an emergency that you were sent over for? A That's right.

Q I'd like to clarify that. A It was impossible to get a nurse.

Q Were there any other times that you were sent elsewhere from the hospital to perform duty? A No.

ASSEMBLYMAN WALLWORK: I have no further questions.

ASSEMBLYMAN MARAZITI: Assemblyman Kimmelman.

BY ASSEMBLYMAN KIMMELMAN:

Q Do you know who sent you, Mrs. Thompson?

A My directress.

Q And who is that? A Miss Metily.

Q This is the only instance in which you were directed to go to any other hospital? A Yes, sir.

Q Do you know of any other nurses connected with this hospital who were similarly instructed? A No, I don't.

Q And the only other instance you have learned of is the instance involving Mrs. Bernard which you just heard.

A That's right.

ASSEMBLYMAN KIMMELMAN: Thank you.

ASSEMBLYMAN MARAZITI: I have no further questions, Mrs. Thompson, and let me thank you also for appearing here today and testifying before this committee.

Miss Alden.

E L I Z A B E T H A U G U S T A A L D E N, being duly sworn, testified as follows:

BY ASSEMBLYMAN MARAZITI:

Q Miss Alden, let us have your full name and address. A Elizabeth Augusta Alden, 63 Lakeside Drive, Nutley, New Jersey.

Q And you are a registered nurse, are you not? A Yes.

Q For approximately how many years? A Thirty-two years.

Q Wonderful. And you are now employed at the Essex County Hospital? A Yes.

Q Could you tell us the capacity? A As Head Nurse.

ASSEMBLYMAN MARAZITI: Assemblyman Wallwork.

ASSEMBLYMAN WALLWORK: Again, Miss Alden, for the record, I would like to point out that your associates and the people connected with the hospital respect you very much for the fine work you have done. This also applies not only here at the hospital, but surrounding institutions and nurses too.

BY ASSEMBLYMAN WALLWORK:

Q Again I would like to ask just a few questions. Were you ever directed, Miss Alden, to go elsewhere to take care of a patient? A Yes.

Q Were you supposed to be on duty at that time at the hospital at Soho here? A Yes.

Q When were you directed to go elsewhere? A I don't recall the exact time. It could be a year or more ago.

Q Where were you directed to go? A To Montclair Community Hospital.

Q Did you sign in at the hospital? A Yes.

Q And what were you supposed to do there, Miss Alden? A Well, private duty.

Q For whom? A I don't recall the person's name.

Q What did you actually perform over at the hospital? A Nothing.

Q Well, could you elaborate on that? A Well,

when I arrived there, they said they had obtained a nurse from another source.

Q So then what did you do? A I came back to the hospital here and went on duty.

Q And you went on duty here at the hospital.  
A That's right.

Q What time did you arrive back here at the Essex County Hospital? A Approximately eight o'clock in the morning.

Q And what time are you normally due here at the hospital? A Seven o'clock.

Q In other words, you arrived an hour late and were you paid a full salary this particular week? A Yes.

Q You didn't lose the hour that you were not here?  
A No.

Q And under what circumstances were you sent to Community Hospital? A They said they were having difficulty in obtaining a nurse for an emergency case.

Q And when were you requested to go to Community Hospital? A Well, I received a call the evening before.

Q You received a call the evening before approximately what time? A Oh, I think it was quite late in the evening.

Q Approximately ten o'clock? A Ten-thirty to eleven o'clock.

Q Ten-thirty to eleven o'clock to report at what time to the hospital? A Seven o'clock the next morning.

ASSEMBLYMAN WALLWORK: I have no other questions.

ASSEMBLYMAN MARAZITI: Assemblyman Kimmelman.

BY ASSEMBLYMAN KIMMELMAN:

Q Miss Alden, who directed you to go to this Montclair hospital? A Miss Metily had called.

Q Was this the only instance you have been directed to go to another institution? A Yes, that's right.

Q Do you know of any similar instance involving any other nurse connected with this hospital? A No.

Q Well, you found out about two this morning. A Yes.

Q You know of no others? A No.

Q And you can't recall the name of the person whom you were sent to minister to? A No.

ASSEMBLYMAN KIMMELMAN: Thank you.

ASSEMBLYMAN MARAZITI: Well, I thank you very much as I thanked the others for your cooperation and for appearing here.

ASSEMBLYMAN WALLWORK: Would you like to recess for five minutes?

ASSEMBLYMAN KIMMELMAN: Well, I would like to call Mr. Judson.

ASSEMBLYMAN MARAZITI: All right. There will be a two-minute recess.

[Short Recess.]

R I C H A R D W. J U D S O N, having been previously sworn, resumed the stand and testified as follows:

BY ASSEMBLYMAN KIMMELMAN:

Q Mr. Judson, I asked you to appear and resume

the stand. Is that correct? A That's correct.

Q And you have previously been sworn? A That's right.

Q And I asked you to bring with you a list of statements sent out by your department for 1964 and 1965. Is that correct? A Yes.

Q And you have them with you? A I do.

Q And do these statements pertain to a certain category of patients? A Patients who have been on 3 West.

Q O.K. Thank you very much. Will you leave those lists with the Committee for us to examine during a recess and we will return them to you. [Witness leaves papers with Mr. Kimmelman.]

ASSEMBLYMAN MARAZITI: There will be a recess for a few moments.

[Short Recess.]

R I C H A R D W. J U D S O N, recalled to the stand and testified as follows:

BY ASSEMBLYMAN KIMMELMAN:

Q Mr. Judson, on this list of invoices that you gave me, I notice that some of the invoices are made out or charged to insurance companies or unions. Is that correct?

A That's correct.

Q Now would you have any record as to whether the unions have paid these amounts or is that in a separate book?

A Well, I could find out for you.

Q Could you tell by looking at the bills? A No. That is just the bill that was presented to either the company

or the individual.

Q I have a bill here for \$5,783.44 rendered on August 16, 1965, to Mr. John Peacock, 202 Broad Street, Bloomfield, New Jersey. Is that bill still outstanding?

A I can let you know in one minute.

ASSEMBLYMAN KIMMELMAN: Fine, and while you are doing that, I will hand you one other.

[Witness leaves the room to check his records.]

BY ASSEMBLYMAN KIMMELMAN:

Q Mr. Judson, I called to your attention a bill which was rendered some months ago to a Mr. John Peakcock of Bloomfield and I asked you to check the records to determine whether this bill was paid. Has it been paid? A No, it has not.

Q Do you know if this Mr. John Peacock is the uncle of Robert Peacock, Secretary to the New Jersey State Real Estate Commission? A I did not know it until you told me.

ASSEMBLYMAN MARAZITI: Well, do you know it now?

THE WITNESS: I know it now. Well, I am accepting Mr. Kimmelman's word. I had never heard of the man except as a patient here.

Q Now I showed you another bill for -- What was his name? A For the insurance company?

Q No. A This one? [Indicating]

Q Yes. A Theresa Beam.

Q Will you identify that bill? Theresa Beam?

A Yes.

Q And what was the amount of that bill?

A The bill was for \$2,895.24.

Q And when was the bill rendered? A On May 17th, 1965.

Q And was Miss or Mrs. Beam a welfare patient?

A Evidently when she entered the hospital she was considered to be a welfare patient.

Q And thereafter was a determination made as to her status? A The bill read "not accepted on welfare." I don't recall the details of this case, but I can only tell you what it says here. Evidently welfare did not accept her as a client.

Q Well, it was determined that she did have assets. A That I don't know.

Q Wasn't that what we just learned from your secretary? A I think that she was not sure of that. I would like to ask the Welfare Board. That is the best thing to do. Maybe there were other factors involved. I don't know.

Q She was not accepted as a welfare patient. A That is what it says right here.

Q Which means that she was billable and the bill was payable in effect? A Not necessarily, no, sir. We have cases, for example, of patients who come here for some reason from another county and don't belong here and Essex County Welfare won't pay the bill. We don't realize that they are not from Essex when they come here.

Q What I am driving at is that she is supposed to pay this bill herself. A Yes.

Q And she hasn't? A She has not.

Q Do you know whether any followup has been made to see that the bill has been collected? A I don't think that there has been.

ASSEMBLYMAN KIMMELMAN: Thank you. No further questions.

THE WITNESS: Did you want to know about this other bill?

ASSEMBLYMAN KIMMELMAN: No.

ASSEMBLYMAN MARAZITI: Do you have any other questions, Assemblyman Wallwork?

ASSEMBLYMAN WALLWORK: No.

ASSEMBLYMAN MARAZITI: Thank you too, Mr. Judson, for your cooperation.

Now let me say at this time on behalf of the Committee that we would again like to thank Dr. Ford and especially the nurses who appeared here and testified today. We know that certain difficulty is involved and some of them I think were not on duty and we appreciate their appearance.

Let me also say so that no misimpression is created that the Committee certainly recognizes that there are many, many dedicated people working in this hospital. The purpose of these two hearings that we have had has been preliminary in nature so that we may determine, after presentation of material by Assemblyman Wallwork, whether some of these allegations at least that were made had some basis in fact and, if so, a determination

would be made as to whether or not there should be a full-scale inquiry. Let me say at this time there will be no further evidence today, but it is obvious that the facts here warrant that there be a thorough investigation in depth and the Committee is directed to pursue that line. Now I believe this is indicated; this will be done in the future over a period of time.

It is obvious that this is warranted because there has been elicited and established that there are uncollected funds and there was one item of \$8,685.72, a bill which was incurred by a near relative of a Federal official, and another item of \$2,475.64, a bill incurred by a very close relative of a county official of Essex County. There are indications that there are a large number of uncollected bills and it is obvious that the bill-collecting procedure doesn't seem to be very businesslike. The amount of uncollected bills runs approximately a million and a half.

I do want to say that I am certain that many of these bills are not collectible and we realize that this is a hospital to take care of indigent people. But we have had testimony, and very honest testimony, indicating that a letter is sent to collect a bill and then perhaps a second letter, period - no litigation whatever. The testimony is - no pending litigation to collect anything. Yet after one little hearing the other day that lasted several hours, merely by holding a hearing, we have in effect provided for the collection

of \$8,685.72. I am very happy to say that there is an indication that this is going to be paid, which proves to me that if some effort were made, we could probably collect a substantial amount.

Now there is also an indication here today that the personnel of the hospital has been used to be sent to other institutions. I want to say that these nurses appeared here under subpoena. I want to thank them for testifying. I am considerably impressed by their testimony. But when they go to another hospital, they follow orders from their superiors. Nurses are supposed to take care of sick people and follow orders from their superiors. This they did. But what actually happens in a case like this is that the hospital is paying for service that it does not receive and when I say "hospital," I mean the taxpayers of Essex County.

Now I submit to you - and I cannot refrain from saying this - certainly these facts indicate that this is no bed-pan investigation and I again direct Mr. Applebaum, when the transcripts are prepared, that they be sent to the Prosecutor of Essex County and the Grand Jury. Does any member of the Committee have any comment? If not, the meeting is adjourned.

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