

Given this significant change in circumstances, it is appropriate at this time to modify the Monitor's duties to enable her to appropriately monitor the process Defendants will employ to close the facility, to monitor that the proposed closing is accomplished in an orderly manner consistent with the rights of the residents, and to monitor that all residents are transferred to appropriate residences which meet their individual needs.

Therefore, it is hereby ORDERED that the July 6, 1995 Stipulated Order is modified to state that:

A. The Monitor appointed pursuant to the July 6, 1995 Stipulated Order shall have the authority to oversee the Defendants' compliance with the provisions of this Order.

B. The Monitor shall have authority to review and advise on Defendants' compliance with District and federal law with respect to the announced closure of D.C. Village and the discharge of residents to alternate residences, including but not limited to 42 C.F.R. §§ 483.10 and 483.12, and 28 C.F.R. § 35.130, and D.C. Code §§ 32-1431 et seq.

C. Defendants shall promptly provide to the Monitor for her review the overall facility discharge plan drafted pursuant to D.C. Code § 32-1440(b), and any subsequent amendments thereto. The Monitor shall have authority to review Defendants' compliance with the provisions of this plan to ensure the safe and orderly removal of the residents and to protect their health, safety, welfare, and rights, including the residents' rights to an opportunity for participation in their discharge process. The Monitor shall

periodically review Defendants' plan to ensure that a schedule for the placement of residents is being implemented in an appropriate manner.

D. Prior to discharge, the Monitor shall have the authority to review each resident's individual discharge summary and to attend any regularly scheduled meetings at which the plans for discharge and placement of the residents are discussed, to review whether placement decisions are made on an individualized basis, and to review any individualized transition plan that is formulated pursuant to District and Federal laws and rules in advance of placement for each resident. The Monitor shall be given notice of any regularly scheduled meetings referred to in the preceding sentence. The Monitor shall also review whether all necessary services and support have been arranged and are ready to be provided at the new residence, but the Monitor shall have no on-going monitoring duties with respect to such new residences after discharge has been satisfactorily and successfully completed.

E. The Defendants shall provide to the Monitor copies of any notices required to be provided to a D.C. Village Resident, his or her representative, or the Long Term Care Ombudsman regarding the discharge and placement of a resident.

F. In any case where the Monitor finds that the proposed placement of a resident is inadequate, the Monitor shall advise Defendants, who shall take action as they deem appropriate. If the Monitor finds that the inadequacy has not been remedied promptly in

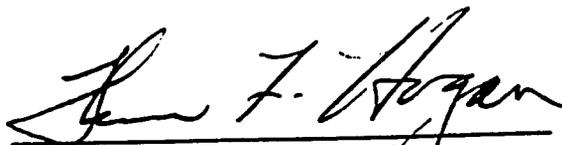
a reasonable manner, she shall include a full description of the inadequacy in a report to the Court.

G. The Monitor shall include in regular reports to the Court and the parties reports on her monitoring activities pursuant to this modification to the Stipulated Order.

H. This Order supplements the Stipulated Order of July 6, 1995, which shall remain in full force and effect until dismissed or otherwise modified by this Court. Consistent with Section F of the Stipulated Order, Defendants shall include in their monthly compliance reports a description of their progress towards implementation and compliance with the provisions of this Order.

Dated:

7th Nov 1995


HON. THOMAS F. HOGAN
United States District Judge

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1:95-cv-00948
