



NH-DC-001-008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 95-948 TFH
)	
THE DISTRICT OF COLUMBIA, <u>et al.</u> ,)	
)	
Defendants.)	
)	
)	

ORDER

On consideration of the United States' Motion for a Preliminary Injunction to Enjoin Dangerous and Life-Threatening Practices and to Ensure Basic Care, Services and Treatment, it is hereby ORDERED that the Preliminary Injunction is GRANTED.

Therefore, it is hereby ORDERED that Defendants shall take the following actions:

A. Medical and Nursing Care

1. Care of Decubitus Ulcers

a. Defendants shall immediately cease the use of Elase and Intrasite gel inappropriately for treatment of decubitus ulcers.

b. Defendants shall immediately ensure that all D.C. Village ("DCV") residents receive appropriate and adequate preventive medical and nursing care and timely treatment for decubitus ulcers and/or other skin breakdown sufficient to maintain their good health. To this end, Defendants shall assess all residents for risk of skin breakdown within two days from the date of entry of this Order, and shall develop and implement within five days thereafter, for each resident identified as at

risk, a treatment plan fully adequate to prevent skin breakdown and/or to treat existing skin breakdown.

2. Care of Incontinent Residents

Defendants shall immediately ensure that all incontinent DCV residents receive appropriate, adequate and timely nursing care in accordance with generally accepted nursing standards. For residents who have been identified as subject to becoming incontinent, nurses shall make rounds to check on their individual condition at least once every two hours. Nurses shall take all appropriate steps to care for and clean these residents who need nursing attention due to their incontinence. Nurses shall take special care to clean and treat ulcerated areas that may have become soiled due to incontinence.

3. Adequate and Appropriate Nursing Staff

a. Defendants shall immediately ensure that continuity of nursing staff is maintained during all shifts, seven days a week, on all DCV living units.

b. By no later than September 1, 1995, Defendants shall ensure that there is a sufficient permanent nursing staff at DCV to eliminate the need for contract nursing staff except in unexpected emergency situations.

4. Medication Errors

a. Defendants shall ensure, within fifteen days from the date of entry of this Order, that all nursing staff on duty are trained in proper medication administration practices, and are adequately inserviced on and/or are sufficiently aware of the

individual needs of the residents to whom they are administering medications.

b. Defendants shall ensure, within fifteen days from the date of entry of this Order, that all medication errors are recorded, that adequate procedures are established to track all medication errors, that any causes for medication errors are identified and remedied, and that any other needed corrective action is taken in a timely manner to minimize medication error risk to the DCV residents.

B. Measures Needed to Remedy Shortages

1. Food and Drink

Defendants shall immediately ensure that sufficient supplies of nutritious and appropriate food and drink are consistently maintained at DCV and that each resident daily receives adequate, well-balanced, nutritious and appropriate food and drink according to their individual nutritional needs.

2. Medications, Medical Supplies and Equipment

a. Defendants shall ensure that adequate and appropriate supplies of necessary medications, that meet the individual needs of the DCV residents, are consistently maintained at DCV no later than two days from the date of entry of this Order.

b. Defendants shall ensure that an adequate and appropriate quantity of medical supplies and equipment, that meet the individual needs of the DCV residents, are available for use, as needed, no later than five days from the date of entry of this Order.

c. Defendants shall maintain the plumbing and heating system at DCV to ensure that adequate amounts of hot water, at safe temperatures, are available for use by residents within two days from the date of entry of this Order. Defendants shall also ensure that there is sufficient hot water to properly sanitize and clean eating utensils, plates and other meal related items.

3. Personal Care Items

Defendants shall ensure that adequate and appropriate supplies of personal care items, including but not limited to toothbrushes, combs, brushes, soap, lotion and paper towels, are available for use by residents within two days from the date of entry of this Order.

C. Payment of Vendors

By no later than forty-five days from the date of entry of this Order, Defendants shall pay in full all outstanding debts to individuals and vendors who have supplied goods and/or provided services to or on behalf of DCV residents. Defendants shall thereafter provide prompt payments in full to such individuals and vendors for goods supplied and/or services rendered no later than forty-five days from the date the individual or vendor mails a legitimate invoice to Defendants. Defendants shall ensure that needed goods and/or services procured for the benefit of the DCV residents shall not be terminated due to Defendants' non-payment or delinquent payment of individuals or vendors.

D. Services for Individuals with Mental Retardation

1. Defendants shall place all DCV residents with mental retardation in appropriate community-based residential and day programs which fully meet their individual needs as identified by appropriate interdisciplinary assessments, no later than July 31, 1995. Defendants shall ensure that the placements are adequate to meet each individual's needs.

2. In the interim, Defendants shall extend the existing contract with Georgetown University to ensure uninterrupted clinical services, habilitation, and other services to all DCV residents with mental retardation. The contract with Georgetown University shall remain in effect until all DCV residents are outplaced into appropriate community settings in accordance with the above provision.

3. No individuals with mental retardation shall be admitted to DCV in the future.

E. Monitor

A Monitor shall be appointed with full authority to oversee the Defendants' compliance with this Order and the remedies imposed by the Court in this proceeding. The United States shall submit within seven days the names and curricula vitae of recommended candidates for the Monitor. Defendants shall bear all costs of the Monitor.

F. Protective Order

Pursuant to the Civil Rights of Institutionalized Persons Act, no persons, be they residents, staff, District employees, or

otherwise, reporting conditions which may constitute a violation under this Act shall be subjected to retaliation in any manner for so reporting.

G. Right of Access

The United States and its agents shall have the right to request, inspect, review and copy facility records, resident charts and other documents, conduct interviews with residents and staff outside the presence of supervisory staff, and observe activities normally conducted at DCV. Such investigative tours may be conducted without prior notification.

IT IS SO ORDERED, this ____ day of _____, 1995
at Washington, D.C.

Thomas F. Hogan
UNITED STATES DISTRICT JUDGE

NOTIFICATION OF ENTRY OF ORDER

Pursuant to D.D.C. R. 108(k), notification of the entry of an order in this case shall be made to:

For the United States:

Richard J. Farano
David Deutsch
Attorneys
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66400
Washington, DC 20035-6400
(202) 307-3116
D.C. BAR # 424225

For the Defendants:

Melvin W. Bolden, Jr.
Acting Special Counsel
to the Corporation Counsel
Office of the Corporation Counsel
Government of the District of Columbia
441 4th Street, NW, 6th Floor
Washington, DC 20001
(202) 727-3885