

**HARRIET A. FIELDS, Ed.D., R.N.**

**#604**

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U.S. v. District of Columbia



NH-DC-001-012

August 6, 1995

The Honorable Thomas F. Hogan  
U.S. District Court Judge  
U.S. District Court for the District of Columbia  
333 Constitution Avenue, Nw, 4th Floor  
Washington, DC 20001

Re: Stipulated Order entered on July 6, 1995, in the matter United States v. District of Columbia, et al., Civ. No. 95-948.

Dear Judge Hogan:

The following is an initial estimated budget for the monitoring activities for D.C. Village.

These figures were derived after much thought, consultation, and careful consideration. Throughout, I tried to tailor the budget to include only those items that are essential to enable me to effectively monitor the terms of the Stipulated Order. In arriving at the reimbursement rates and the budget as a whole, I took pains to consult with local colleagues who do similar work to ensure that the quoted hourly and other rates were reasonable. Because this case involves a public facility, I have endeavored to begin negotiating rates less than the market rates for required consultants and myself and those figures are reflected in the proposed budget. Further, my initial investigation and review of the Court papers leads me to conclude that lower time commitments than reflected in this budget would jeopardize the abilities of the Monitor to comply with the Court Order or report on the needs of the over 270 residents of the D.C. Village nursing facility.

Given the size of the task ahead of me, I have devoted a substantial amount of time thus far in identifying and developing a local network of expert consultants to draw upon on an ad hoc basis as I deem it necessary in monitoring the Order. When at all possible monitoring activities will build on local expert consultants who have a commitment to the District of Columbia and to the improvement of the quality of care and quality of life of its long term care residents. (It will also keep expenses for consultants to a minimum.) I am gratified to report that I have received an overwhelming positive and heartwarming response from local professionals with expertise in such areas decubitus ulcer care, care of incontinent residents, medication administration, staffing and basic care issues.

Given that there is no fixed termination date in the Stipulated Order, I have simply estimated the budget for a one year period, although I believe monitoring activities will take longer. I have estimated that monitoring activities in the first year will involve a commitment of up to three-fourths of my time. This includes on-site reviews, review of documents, writing reports, and

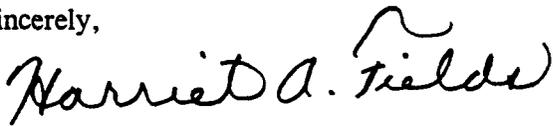
consultation with experts, all to help ensure compliance with the Order. This estimate will be reassessed after six months.

Certain deadlines in the Stipulated Order which directly relate to residents' quality of care, quality of life and residents' rights are imminent or have already passed. Therefore, I respectfully request consideration by the Court of the enclosed at your earliest possible convenience so that the resources reflected in the budget may be employed as soon as possible.

So that monitoring activities can be continually and consistently delivered, I respectfully request the Court to ensure that the District of Columbia pay into a Court escrow account immediately and monthly a sum to be maintained at \$50,000. I request that the Court created escrow account in turn pay to the Monitor upon invoicing within seven days for monitoring related services and expenses. I will submit my first invoice for work already performed upon approval of the budget and for subsequent work at the end of every month. In my conversations with the Center for the Study of Social Policy, the court monitors for the D.C. child welfare system, I know that there is precedent for this arrangement in other cases before this Court. Thank you for your attention to this matter.

I look forward to working with the Court and the parties on this challenging matter.

Sincerely,



Harriet A. Fields, Ed.D., R.N.

cc. ✓ Mr. Richard J. Farano  
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**Budget for Court Monitoring Activities United States of America v. The District of  
Columbia et al. Civ. No. 95-948 TFH Re: D. C. Village Nursing Home  
July 28, 1995 - June 30, 1996**

**I. Court Monitoring Functions**

**The major function of the Court Monitor is to assure that the performance requirements as set forth in the "Stipulated Order to Remedy the US and the Ombudsman's Motions for a Preliminary Injunction (Civ. No. 85-948 TFH of July 6, 1995 are hereby met by the defendant. The Court Monitor will hereby assess for the court the performance of the following measures:**

**A. Medical and Nursing Care**

**1. Care of Decubitus Ulcers**

- a. Assess whether or not the Defendant has ceased the use of Elase Intrasite gel inappropriately for treatment of decubitus ulcers.
- b. Review the the adequacy of assessment of the Defendant identification of high risk patients for decubitus ulcers.
- c. Review adequacy of decubitus ulcer care plans of high risk patients identified by the Defendant as stipulated within 20 days of July 6, 1995 of high risk patients.
- d. Review adequacy of on-going care of decubitus ulcer care.

**2. Care of Incontinent Residents**

- a. Assess timely treatment of patients with incontinence, assure that such conditions are checked every two hours.
  - b. Evaluate the appropriateness and efficacy of steps taken by nursing staff for the care of incontinence.
  - c. Identify adequate standards of care for incontinence and share such standards with the Defendant.
  - d. Assess adequacy of steps taken to clean ulcerated areas that are soiled by incontinence.
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### **3. Adequate and Appropriate Nursing Staff**

- a. Assess compliance with nursing staff requirements.
- b. Assess reasonable reduction of contract staff.

### **4. Medication**

- a. Assess and evaluate training of nursing staff in proper medication administration practices (On-going and within 15 days of July 6, 1995).
- b. Assess on-going in-service of nursing staff of individual needs of patients with respect to administering their medications.
- c. Assess the procedures outlined by the Defended for the identification, tracking and correction of medication errors.

## **B. Remediation of Shortages**

1. Assess the Defendant adequate supply of nutritious food and drink.
2. Assess the DCV's provision of nutritional needs for residents.
3. Assess the adequate supply of medications as stipulated two days after July 6, 1995
4. Assess the adequate supply of medical supplies and equipment as stipulated five days following July 6, 1995.
5. Assess adequacy and safety of the heating and plumbing system as stipulated within 2 days of July 6, 1995.
6. Assess adequacy of hot water for sanitization of eating utensils, plates and meals related items.
7. Coordinate appropriate regulating agencies to assure compliance of e and f.
8. Assess the adequacy of the provision of personal care items to residents.

## **C. Payment of Vendors**

1. Assess financial payment of all outstanding debts by the Defended to vendors and individuals within 45 days of July 6, 1995.
2. Assess on-going payment system to meet vendor payments within a 45 day cycle.

## **D. Services for individuals with Mental Retardation**

1. Assess the placement of DCV residents with mental retardation into *appropriate* community-based residential and day-programs to take place within 45 days of July 6, 1995.
2. Assess the provision of uninterrupted services to residents with mental retardation.
3. Identify and immediately report to the court any admittance of a *new* resident with mental retardation.

**E. Review of Monthly Compliance Reports**

1. Assess the accuracy and validity of monthly compliance reports submitted by the Defendant to the Court commencing August 15, 1995.
2. Conduct random checks of resident records to assure that items 1-7 of pages seven and eight of the Court Order are validly reported.

**II. THE BUDGET: PERSONNEL COSTS**

**A. Court Monitor**

1. Development of assessment and performance tracking system to assure the adequate performance of functions A-E cited in this budget  
(20 hours @ \$75 per hour = \$1,500)
2. On-going assessment of Defendant compliance with functions (A-D)  
(20 hours per week @ 75 per hour x 46 weeks = \$69,000)
3. Monthly review of Defendant Compliance Report to the Court (E)  
(16 hours @ \$75 per hour x 11 monthly reports = \$13,200)

**Sub-Total..... \$ 83,700**

**B. Expert Consults**

**A by-product of this function will be to create an interdisciplinary group of local experts who can provide on-going consults to the Nursing Staff to assure quality of care after the completion of this Court Order.**

*1. Decubitus Ulcer Expert (A.1)*

Geriatrician : Review of patient records, develop assessment protocol for court monitor, conduct ongoing assessment of patient records August 1995 through 6/30/96 (10 days @ \$300 per day = \$3,000)

*2. Incontinence Expert (A.2)*

Geriatric Nurse Practitioner: Review of patient records, develop assessment protocol for court monitor, conduct ongoing assessment of patient records. (5 days @\$300 per day = \$1,500)

*3. Nursing Home Systems Expert*

Assist with development of assessment protocol and a tracking system for items A(3), B, C, D, and E cited in this budget, conduct on-site reviews (30 days @ \$300 per day = \$9,000)

**Expert Consults (continued)**

**4. Geriatric Pharmacologist**

Review training of nursing staff on medication administration, develop assessment techniques for (A.4) of this budget (5 days @ \$300 per day = \$1,500)

**Sub-Total .....\$14, 000**

**C. Support Staff**

**1. Faculty/Nursing Students of Howard University**

Students will work under the direction of the Court Monitor and University nursing faculty to track the performance of the assessment measures (A through E of this budget) and the tracking measures for the Monthly Compliance Report.  
(9 months, 8 days a month = \$14,000)

**2. Clerical Support**

(Average of 6 hrs. per week @\$15 per hr. x 46 wks = \$4,140)

**Sub-Total.....\$17,940**

**GRAND TOTAL PERSONNEL COSTS..... \$115,640**

<b>NON-PERSONNEL COSTS</b>
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1. Travel: Consultant airfare, lodging, travel reimbursement to and from nursing home, rates would be paid as per the Federal Government Travel Book)  
(Estimate not to exceed projected amount of \$5,500)

2. Phone: Local calls and long distance (\$100 month x 11 months = \$1,100)

3. Copying/Fax (\$75 month x 11 months = \$825)

4. Postage (\$50 month x 11 months = \$550)

5. Supplies (General desk supplies @\$50 month x 11 months = \$550)

6. Liability Insurance (\$350)

**Sub-Total Non-Personnel Costs..... \$8,875**

<b>GRAND TOTAL OF BUDGET</b>	<b>\$124,515</b>
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