

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

**#604**

**1722 19th Street, N.W.  
Washington, DC 20009  
Message: (202) 234-7142**

**June 6, 1996**

U.S. v. District of Columbia



NH-DC-001-029

**Ms. A. Sue Brown  
D.C. Village Nursing Home  
Washington, DC**

**Re: Off-site day programs recommended for residents with mental retardation (Court Order, July 6, 1995, Section D. 1.) and the reported denial of acceptance of residents with tracheostomy and gastric tubes**

**Dear Ms. Brown:**

**I am writing to you in my capacity as Court Monitor to advise the defendants on how to comply with the Court Orders and federal law and regulations.**

**It was communicated yesterday during the course of the weekly outplacement meeting that the specialty consultation team for residents with mental retardation recommended a "community-based day treatment program (for Ms. S.A). Referrals to several community programs were made. Ms. A. was not accepted due to her tracheostomy." Further it was reported that the team recommended a "community-based day treatment program (for Ms. S.P.).... Day programs will not accept residents that are fed enterally."**

**There are off-site day programs operating in the District of Columbia that accept individuals with tracheostomy tubes and gastric tubes (for enteral feeding).**

**In a telephone conversation today with Dr. Ali, vice president for clinical services at PSI, a day program for residents with mental retardation, Dr. Ali informed me of the following:**

- PSI accepts individuals with tracheostomy and gastric tubes.**
- Medicaid certified day programs are not permitted to deny admittance because of tracheostomy and/or gastric tubes.**
- PSI has in its program "several" medically fragile individuals with tracheostomy and/or gastric tubes.**
- PSI would welcome the individual habilitation plans (IHP) of the two residents with tubes**

at D.C. Family Services group home on O Street, S.E., whose IHP indicates off-site day programs. These individuals are Ms. S.A. and Ms. S.P. Information should be sent to:

Ms. Sandra Bouchelion  
Intake Coordinator  
PSI Services, Inc.  
770 M Street, S.E.  
Washington, DC 20003  
[Telephone: (202) 547-3870]

In another telephone conversation today with Ms. Juanita Cook, program director of Better Treatment Center, an off-site day program for residents with mental retardation, Ms. Cook informed me of the following:

- Better Treatment Center is aware of the requirement for medicaid certified facilities not to discriminate against individuals with tracheostomy and gastric tubes.
- Better Treatment Center has a unit already set aside to handle the needs of such individuals, but needs to get the emergency equipment.
- Ms. Cook has known for years the two individuals mentioned above in addition to the third resident at D.C. Family Services for whom an off-site day program is recommended, Mr. T.M.
- Better Treatment Center would welcome the IHP's of these three individuals.
- Information should be sent to:

Ms. Juanita Cook  
Program Director  
Better Treatment Center  
5511 14th Street, N.W.  
Washington, DC 20001  
[Telephone: (202) 829-2227]

According to federal disabilities law, it is improper and illegal to discriminate against individuals based upon their disability. This discrimination directly impacts the civil rights of the two individuals mentioned above, Ms. S.A. and Ms. S.P. Failure to provide community-based day treatment programs and allowing discrimination in medicaid certified programs to continue in other off-site day programs for individuals with mental retardation, directly denies the residents identified above their rights and renders the District of Columbia in further violation of the Court Orders.

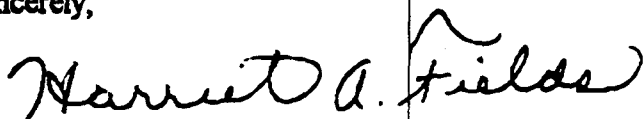
The purpose of the Court Orders for a specialty consultation team is to provide training, supervision, and consultation to caregivers who are unfamiliar with the unique and individual needs of the residents with mental retardation. It is the defendants responsibility with the assistance of the valuable gift the Court has provided to the mental retardation community through the issuance of the Court Orders, to work with those off-site day programs to demystify the tubes which result in policies that discriminate against those with disabilities in violation of

federal law.

The time of passivity and inertia in protecting the rights of the District of Columbia's most vulnerable is long gone. Let us help the defendants comply with the Court Orders for the best interests of the long term care residents of the District of Columbia.

The next Status Hearing in Court is June 18. Please let me know the progress of the defendants, including the Mental Retardation and Developmental Disabilities Administration (MRDDA), compliance with the Court Orders.

Sincerely,



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

cc. The Honorable Thomas F. Hogan  
U.S. District Court for the District of Columbia

Mr. Richard J. Farano  
Mr. David Deutsch  
U.S. Department of Justice  
Civil Rights Division

Mr. William Isaacson  
Kaye, Scholer

Ms. Barbara Mann  
Office of the Corporation Counsel for the District of Columbia

Mr. Wayne Casey, Acting Director  
Department of Human Services  
District of Columbia

Ms. Frances Bowie, Administrator  
Mental Retardation and Developmental Disabilities Administration  
District of Columbia

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**FAX TRANSMITTAL**

**TO: Mr. Richard Farano and Mr. David Deutsch**

**COMPANY: Civil Rights Division**

**FAX: 514-6273**

**PHONE: 307-3116**

**FROM: Dr. Harriet A. Fields**

**DATE: June 6, 1996**

**NO. OF PAGES(INCLUDING COVER): 4**

**MESSAGE:**