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June 28, 1996



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

Re: The United States of America v. The District of Columbia, et al., Civ. No. 95-948, TFH,
D.C. Village Nursing Home (DCV), Court Order, July 6, 1995;
November 7, Order Modifying Stipulated Order of July 6, 1995;
Court Order, December 22, 1996;
Court Order, February 23, 1996

Dear Judge Hogan:

I have obtained a copy of the defendants June 25 submission to the Court and I am compelled to comment.

Now, after the last resident has been outplaced, I am very disappointed in the District of Columbia's position regarding payment to Georgetown University Child Development Center (GUCDC). As I pointed out in my June 16 letter to the Court, GUCDC is the only vendor with still "ongoing, vital, and direct" contact with the residents as the Specialty Consultation Team for residents with mental retardation pursuant to the December 22, 1995, Court Order, through the extension of their contract to September 30, 1996. Therefore, to say that payment to this vendor is "moot" because there are no more residents is false, misleading, and makes a mockery of the Court and its Orders.

There seems to be little appreciation by the defendants of the seriousness of the Court finding them in of contempt of the Court Orders. The defendants would have failed to care for its most vulnerable, infirmed, and poor were it not for the presence and intervention of the Court. Now the defendants are quibbling over which U.S. District Court's Orders they are continuing to violate. The one page attachment to this letter to the Court is a list I received from GUCDC of the residents with mental retardation living at DCV at the time I commenced my monitoring

duties. Of the fourteen remaining living residents, nearly half are not and never have been Evans (Pratt) class members - Ms. A.B. at Health Care Institute; Ms. S.P., Mr. T.M., and Mr. T.S. at D.C. Family Services; and Ms. A.R. and Ms. D.L. at Wholistic Habilitative Services. Yet all the living residents on this list benefit by the ongoing intervention and expertise of GUCDC. In April the defendants presented an unseemly request to this Court to issue Court Orders to pay other vendors for which they alleged there were no contracts and thus were prohibited under District law to pay. For the best interests of the residents, the Court graciously complied. And yet, in this instance, the defendants admit that GUCDC is a DCV vendor providing ongoing services to residents; they acknowledge there are serious amounts in overdue payments pursuant to the July 6 Court Order under 'Payment of Vendor'; and yet they are continuing the contempt of the Court Order of July 6.

In my January 17 Status Report I profiled how GUCDC staff did not know from day to day, week to week if they would still be employed because the GUCDC contract was imminently due to expire and it had not been renewed. According to the accounts analyst at GUCDC, this vendor was without a contact from the defendants from January to May of 1995. While the defendants request the Court to issue Court Orders so other vendors may be paid, the defendants were and are ignoring, violating, and continuing the contempt of the existing Court Order which applies to payment of this vendor. In the Bi-weekly Report to the Court pursuant to the December 22, 1995, Court Order, no mention is ever made of the "financial...problems" of non-payment of this vendor.

The logic of the defendants position escapes me. The defendants must not realize it, but looking objectively, their position is disrespectful of the Court. The defendants seem to be playing one U.S. District Court Chamber against another. GUCDC contract for Specialty Consultation Team services continues through September 30, 1996. Their position, that since GUCDC has not threatened termination of its services non-payment to this vendor does no harm, is callous and irresponsible. It is this type of thinking that led me to the conclusion that DCV needed new management in my January 17, 1996, Status Report to the Court. It seems to this day that the defendants do not hold dear their civic responsibility to care for the District of Columbia's most vulnerable, frail, infirmed, and poor - those who cannot defend themselves. I only report facts, data that is corroborated, and the truth as I see it. Therefore, only when I received from the GUCDC accounts analyst report on June 13 (although I requested it in April) did I submit to the Court the status of payment to this vendor.

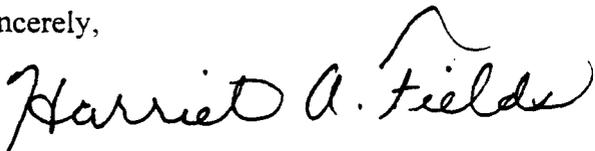
MRDDA is part of the defendant class in this case. The defendants are admitting that MRDDA is disregarding Court Orders. I am also concerned that MRDDA be held accountable pursuant to the July 6 Court Order, to appropriately plan with GUCDC and the group home provider to offer the off-site Day Programs to Ms. S.A. and Ms. S.P., when the experts agree it is the appropriate time for them to benefit from such programming. Last Friday, June 21, 1996, I met with Ms. Sue Brown and the program coordinator for GUCDC to develop a plan in which MRDDA, GUCDC, and the group home provider for these two residents, D.C. Family Services, could all work together to proactively identify an appropriate day program for Ms. S.A. and Ms. S.P. We also

discussed training of the day program staff by GUCDC in the care of these residents so that when the expert consultation team deems Ms. S.A. and Ms. S.P are ready for off-site Day Programs, systems will be in place to receive these residents, including care of their gastric and tracheostomy tubes respectively. (These concerns were profiled in my June 16 and June 6, 1996, submissions to the Court.) I urge the defendants to take advantage of GUCDC expertise now, before the GUCDC contract is due to expire. This morning I had a telephone conversation with Ms. Frances Bowie, Administrator of MRDDA relating the above to her. Ms. Bowie informed me that next Tuesday a meeting is scheduled with MRDDA and GUCDC to discuss among other things, the above concern regarding off-site day programs and the possible extension of the GUCDC contract so that the mental retardation community in the District will have further benefit of their expertise. During the next several weeks while I focus my monitoring activities on visiting the residents in their new homes, I will also monitor the progress of planning for the off-site day programs for the two residents mentioned above.

Preliminary data on two residents, Mr. C.F. and Ms. S.B., outplaced recently, one of whom was the last resident to leave DCV, indicate that they are thriving and happy. Mr. C.F. is in an independent/supported living arrangement in the community with a personal care aide four hours a day, five days a week, who among other duties provides needed assistance with the preparation of his meals. Mr. C.F. reports he will be planning with the building manager to develop programs for the tenants regarding, among other topics, residents' rights. I have never heard Mr. C.F. happier, nor have I heard Ms. S.B., outplaced recently to Stoddard Baptist Nursing Home, happier with a lightness and gaiety to her voice, something which was completely undetectable while she was residing at DCV. Ms. S.B. has told me that she is "not used to such kind treatment," and just yesterday she added, "we have fun over here." This resident also soberingly reminded me that "we had to pay for the District's poor management, some paid with their lives."

Judge Hogan, it is a privilege to serve your Court for the best interests of the long term care residents of the District of Columbia.

Sincerely,



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

Attachment One GUCDC 'Resident Listing'

cc: Mr. Richard J. Farano
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GEORGETOWN UNIVERSITY INTERDISCIPLINARY HABILITATION TEAM

RESIDENT LISTING - D.C. VILLAGE



P = Pratt Class

(Revised 08/23/95)