

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES,

Plaintiff,

and

M. ANNE HART, DISTRICT
OF COLUMBIA LONG-TERM
CARE OMBUDSMAN,

Plaintiff-Intervenor,

v.

DISTRICT OF COLUMBIA, et al.,

Defendants.

U.S. v. District of Columbia



NH-DC-001-038

Civ. No. 95-948 (TFH)

FILED

MAY 14 1997

Clerk, U.S. District Court
District of Columbia

ORDER

On February 21, 1997, the Court held a hearing to discuss the remaining matters in this case. At that hearing, all parties asked that the Court dismiss the case. With the submission of the Final Report of the Monitor, a copy of which is attached to this Order, and with the parties' consent order to remedy the violations outlined in the audit of patient accounts, the Court is satisfied that there are no remaining issues and will therefore dismiss the case.

I History of the Case

This case originally came before the Court in May 1995, when the Department of Justice filed suit to require defendants to remedy conditions at the D.C. Village Nursing Home. Plaintiffs asserted a long list of violations of the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. §1997. On July 6, 1995, the parties signed and the Court approved a consent motion that

obligated defendants to remedy these serious, sometimes inhuman, violations and to prevent further violations and retaliation against the residents of D.C. Village. On August 1, 1995, the Court appointed a Monitor, Dr. Harriet Fields, to oversee the District's compliance with the remedial consent order. Besides entering remedial orders, the Court also ordered the creation of specialty consult teams to aid the Monitor in her task of ensuring that every resident received an appropriate and adequate services or outplacement.

Although the District had obligated itself to pursue and implement radical changes in the facility, its compliance with the consent order was poor at best. Faced with the District's noncompliance, the Court held defendants in contempt of its remedial order on December 22, 1995, and on February 23, 1996.¹

In late August 1995, rather than comply with its own agreement, the District abruptly decided to close the facility and failed to produce a plan for the successful placement of the D.C. Village residents into other facilities. Instead, it embarked upon a system of transfer and placement which was both unsupervised and inappropriate for the task of moving residents, many of whom suffered from serious physical ailments. The District's placement was a disaster-- some residents did not even survive the process-- and in February 1996, the Court had to suspend the outplacement and ask the Monitor to supervise the placement of residents into new facilities and ensure the District's compliance with the Court's Order. In June 1996, the last resident was outplaced. The testimonials of former D.C. Village residents, which are included in the Final

¹ On May 10, 1996, the Court ordered defendants to pay each resident of D.C. Village \$100.00 in compensatory damages and to pay \$49,258.00 in compensatory damages to the District of Columbia Long Term care Ombudsman. Nine months later, the District has yet to comply with that order.

Report, are clear proof that the Monitor accomplished her goal of ensuring that each resident received an appropriate placement into a new facility.

II Current Status

The need for Court involvement in this case has come to a close. The Monitor has filed her Final Report,² and has concluded that all former residents of D.C. Village have been placed into facilities which are appropriate and adequate. The Final Report further assures the Court that those former residents are no longer subjected to illegal conditions or practices such as they experienced at D.C. Village. Therefore, the Court is satisfied that its remedial orders have been carried out and that the CRIPA violations have been remedied.

Furthermore, the parties have undertaken an audit of the patient accounts of the former D.C. Village residents. The audit reveals that the residents are owed outstanding interest on their accounts. Defendants have entered into a consent order to pay this interest.

Therefore, it is hereby

ORDERED that, pursuant to the Court's May 10, 1996, bench order, defendants shall pay as compensatory damages \$100.00 to each person who was a resident of D.C. Village on December 20, 1995, and \$49,258.00 to the Office of the District of Columbia Long Term care Ombudsman. Defendants shall make such payments within 10 business days; it is further

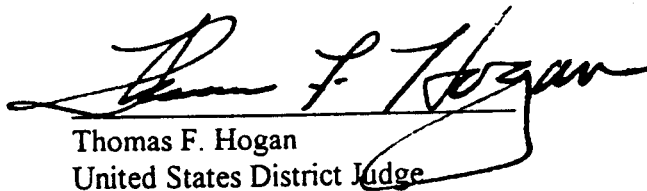
ORDERED that the consent order relating to interest payments to former residents of D.C. Village shall be part of this final judgment; it is further

² For the benefit of the public, the Court has attached to this order a copy of the main body of the Monitor's Final Report.

~~SECRET~~

ORDERED that the Complaints of plaintiff and plaintiff-intervenor are dismissed without prejudice as moot.

May 12th, 1997


Thomas F. Hogan
United States District Judge