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4/20/99[\[ Return To Index \]](#)

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People v. Villa Elizabeth - Butterworth



NH-MI-001-001

**FOR IMMEDIATE RELEASE**

January 21, 1999

Attorney General Jennifer M. Granholm announced today an historic two-year agreement with Villa Elizabeth-Butterworth, and its parent corporation, Spectrum Health Continuing Care Group, to improve the quality of care at the Villa-Elizabeth Nursing Home in Grand Rapids.

Villa-Elizabeth had been charged by the Attorney General's Office on February 18, 1998, with one count of felony vulnerable adult abuse, 2nd, as a result of a dehydration death of a patient in 1996. Spectrum was not charged in the criminal case.

The agreement mandates that Villa-Elizabeth will be operated under the direct supervision of an independent monitor for the next two years. The monitor will have broad authority and unfettered access to assure compliance with the agreement's substantial quality of care improvements, including:

- an increase in the minimum staff levels of 33% in excess of those required by Michigan law;
- a weekly assessment of each resident's hydration and nutrition status, or more often if necessary;
- providing residents with care, treatment, and assessment management which meets professionally recognized standards of care, as well as state and federal law;
- the immediate transfer of residents to an appropriate medical care facility if medical needs cannot be met;
- immediate notification to an appropriate physician of any significant change in a resident's condition;
- notifying family or a responsible party when any resident is unable to eat meals or take fluids;
- utilizing a discipline-specific professional or multi-disciplinary team to determine resident's needs as required by the agreement;
- accurately representing to residents, their family or responsible party, the scope and extent of services that can be provided by the nursing home;
- the purchase of any and all necessary equipment and supplies to comply with the physician's orders and meet resident's care and treatment needs;
- maintenance of a quality assessment and assurance committee that will develop and implement plans to correct and identify quality of care deficiencies;
- hiring qualified professional consulting services if deficiencies cannot be rectified internally;
- providing quality of care training to all staff, including physicians and direct and indirect caregivers;

- establishing competency requirements and training programs for all staff, including physicians, nurses, etc.;
- establishing a basis for granting privileges to medical personnel providing services at the facility;
- terminating any and all staff who do not demonstrate and maintain clinical skills;
- denying access to any physician who does not provide care consistent with the agreement or neglects or abuses any patient;
- reporting any and all abuse and neglect.

The agreement, which was approved by Kent County Circuit Court Judge Dennis Kolenda, also provides for dismissal of the criminal charges. However, such dismissal is without prejudice; and, therefore, the criminal case can be reinstated in the event Villa and/or Spectrum violates the agreement. Further, enforcement provisions in the agreement include the imposition of liquidated damages of \$3,000 per day for each violation. All costs of the monitor, compliance and any damage assessment cannot be reimbursed by Medicaid.

Granholtm stated: "The agreement is a first in Michigan and represents a significant step in improving the quality of care for nursing home residents."

Granholtm added: "The provisions of this agreement represent a significant commitment of resources by a nursing home to provide the quality of care that not only is expected for residents of nursing homes in our state, but is paid for by taxpayers through the Medicare and Medicaid system. I have every expectation that, during the course of this two-year agreement, significant and positive changes will take place at Villa. I want to assure the citizens of the State of Michigan, however, that in the event the letter and spirit of this agreement is not adhered to, significant enforcement mechanisms have been built into the agreement which will be vigorously pursued if necessary."

- 30 -

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[ [Return To Index](#) ]

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State of Michigan, Department of Attorney General  
Last Updated 01/21/99 10:59:35

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