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Department of Justice

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FEDERAL GOVERNMENT REACHES SETTLEMENT TO IMPROVE CONDITIONS AT PHILADELPHIA NURSING HOME

WASHINGTON – A Philadelphia nursing home will upgrade conditions to ensure that elderly and disabled residents are free from abuse and neglect and receive adequate care and treatment, under an agreement reached today with the Justice Department and the U.S. Department of Health and Human Services (HHS).

The agreement, filed together with a lawsuit in U.S. District Court in Philadelphia, stems from complaints about conditions at the Philadelphia Nursing Home (PNH) which were investigated by the Department of Justice. Today's agreement, which is subject to approval by the Court, resolves all allegations in the lawsuit.

"Almost every American knows a person living in a nursing home," said Bill Lann Lee, Acting Assistant Attorney General for Civil Rights. "When close family members are placed in nursing homes, we trust they are being treated properly. When we find out that's not the case, we will not hesitate to act."

Under the agreement, the City of Philadelphia and Episcopal Long Term Care (ELTC), the City's contractor, will:

- ensure that residents are free from mistreatment, abuse and neglect;**
- provide adequate psychiatric, medical and nursing care, including daily activities that**

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-2-

- enable the residents to reach their highest practical level of physical and mental well-being;
- limit the use of restraints;
 - work with a Federal monitor to implement the agreed upon procedures;
 - pay the federal government \$50,000 to resolve False Claims Act violations; and,
 - create a \$15,000 fund for a special project, authorized by the United States, that will improve the quality of life for residents at PNH.

"The joint effort by two components of the Justice Department to ensure that quality care is provided to the frail and vulnerable residents at PNH, demonstrates our commitment to investigate and prosecute quality of care cases by all available means," said Michael R. Stiles, U.S. Attorney in Philadelphia. Stiles emphasized that the care rendered to residents at PNH has greatly improved, noting that the City and ELTC should be commended for their efforts to improve conditions for nursing home residents at PNH.

The case marks the first time that the Civil Rights Division has joined with a U.S. Attorney's Office and HHS to investigate and resolve issues concerning nursing home care. The case was based on the Civil Rights for Institutionalized Persons Act (CRIPA) and the False Claims Act -- the first time the government has used CRIPA in combination with the False Claims Act to challenge conditions at a nursing home.

"The protection of our senior citizens is of paramount importance," said June Gibbs Brown, Inspector General for HHS. "Today's announcement of this settlement should send a message that we will continue to work to ensure beneficiaries residing in nursing homes receive the highest quality of care. We will hold nursing homes responsible for safeguarding the welfare of our most vulnerable citizens."

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-3-

Several weeks ago, President Clinton held a press conference to emphasize the importance of providing quality care to older adults living in nursing homes. He stressed the important role the federal government should play in protecting the rights of nursing home residents and ensuring that they receive the care and treatment they need.

The government's investigation was conducted jointly with the Justice Department's Civil Rights Division, the U.S. Attorney's Office in Philadelphia, and the U.S. Department of Health and Human Services, Office of Inspector General.

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