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P R E S S   R E L E A S E

Michael R. Stiles, United States Attorney for the Eastern District of Pennsylvania, Michael Little, Regional Inspector General for Investigations, Department of Health and Human Services and Judith Berek, Acting Regional Administrator for the Philadelphia Regional Office, Health Care Financing Administration (HCFA), today announced the filing of a civil False Claims Act Complaint against three nursing homes located in Delaware County for the provision of inadequate care to their residents. A Consent Order was filed simultaneously with the Federal District Court in which the owner of the facilities agreed to pay the federal government \$500,000 and to implement a comprehensive compliance program to settle claims resulting from an investigation into the quality of care provided to residents from June 1995 to the present.

In its Complaint against Chester Care Center, Bishop Nursing Home, and Manchester House Nursing & Convalescent Center and their corporate owners, the government charged that the defendants did not render adequate care to their residents and the Complaint specifically identifies 5 residents for whom the government was paying who were not adequately cared for by the defendants.

Specifically, the care rendered to 3 residents of Chester Care Center with diabetes was inadequate in terms of monitoring and responding to complications associated with diabetes, and the provision of nutrition and wound care.

Another individual, a resident of Chester Care Center, was scalded to death when a nurses' aide placed the resident, who was unable to speak, into 138 degree Fahrenheit water during a bath. The government's Complaint alleges that the defendants knew that there were problems with the water temperature and did not adequately address that issue. The nurses' aide has been criminally charged by the state Attorney General's Office.

The final victim, a resident of Bishop Nursing Home, was allegedly improperly cared for in terms of his nutrition and wound care while the facility billed the Medicaid program for his care. The government alleged that the facility did not respond to this resident's weight loss in a timely fashion and as a result he developed pressure sores (decubitus ulcers) which were not properly treated.

U.S. Attorney Stiles stated that this False Claims Act case was the second of its kind in the country pertaining to quality of care in the nursing home environment and should once again serve notice to the nursing home industry that a failure to provide adequate care to some of the most frail and vulnerable members of society will not be tolerated. "Quality of care for those residing in nursing homes must be protected by all means possible," Stiles noted.

In addition to the payment, the terms of the Consent Order apply to approximately 700 residents and require:

- State-of-the-art treatment protocols for residents with diabetes;
- Retention of a temporary manager for Chester Care Center to manage the facility and ensure compliance with federal law and regulations;
- A full-time federal monitor for all three facilities for at least two years;
- Provision of wound care in accordance with the Agency for Health Care Policy and Research (AHCPR) guidelines and enhanced nutrition protocols;
- Development of a corporate compliance program that ensures appropriate responses to, among other items, weight loss, wound care and diabetic care;
- Training of staff on all issues contained in the Consent Order.

The development of the protocols for this case was done with invaluable assistance from the following individuals:

Stanley Schwartz, M.D.,  
Bruce Kinosian, M.D.,  
Ilene Warner, R.N.,C, CWCN,  
Barbara J. Maschak-Carey, R.N., M.S.N.,  
Sue Bradley, R.N.,C

This case also included support from representatives of the Pennsylvania Department of Health and Department of Public Welfare.

The case was handled by Assistant United States Attorney David R. Hoffman.