

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health Care Finance



Office of the Senior Deputy Director/Medicaid Director

Transmittal # 16-28

TO: District of Columbia Medicaid Nursing Home Providers

FROM: Claudia Schlosberg, J.D. 
Senior Deputy Director and State Medicaid Director

DATE: November 1, 2016

SUBJECT: **The Washington Home Closure**

On December 15, 2016, The Washington Home (TWH) will close its doors after serving the District of Columbia (D.C.) community for over 126 years. For the past year, TWH has transitioned more than 100 residents to other area nursing facilities or into community-based services. Their efforts and the willingness of the receiving nursing facilities to accommodate the residents from TWH should be applauded. We are very pleased that many residents have been able to relocate to other nursing facilities.

As of November 1, 2016, twenty-two (22) residents remain at TWH. The majority of these residents would prefer to relocate to a nursing home in the District of Columbia and most have made application and are awaiting a decision from their preferred choice. As all of these residents are long-time District residents and all have been living at TWH for some time, the Department of Health Care Finance (DHCF) would like to work closely with our D.C. nursing homes to accommodate their desire to transition to another nursing facility and remain here in their hometown.

DHCF is requesting the following assistance:

1. Update the District of Columbia Health Care Association Bed Availability with *accurate* information daily;
- 2) Provide positive, open communication with TWH staff and residents/family; and

- 3) Accept the residents from TWH who have applied to relocate to your facility without undue delay and reconsider any resident that was denied for administrative or care related reasons (i.e. late test results).

The Department of Health (DOH) and DHCF will continue to monitor the progress of the transition process to ensure that D.C. nursing homes are in compliance with federal and District laws. Federal law prohibits Medicare and Medicaid funded nursing facilities from discriminating based upon race, color, national origin,¹ or disability.² Similar prohibitions exist under the District's Human Rights Law.³ For individuals who are eligible for Medicaid, Medicaid-certified nursing facilities also are prohibited from requiring additional consideration as a condition of admission, such as requiring a Medicaid beneficiary to have Medicare or another source of payment.⁴ In these final weeks, DHCF is requesting that any denial to admit a TWH resident be documented in writing and copies provided to DHCF by emailing them to Pamela.Hodge@dc.gov.

Again, DHCF appreciates all efforts from our Nursing Home community to work closely with TWH to accept residents who are transitioning. We appreciate your efforts to ensure that the remaining residents are able to transition smoothly to the nursing facility of their choice and if desired, to remain here in the District.

If you have any questions please contact Ieisha Gray, Director of Long Term Care Administration at (202) 442-5818 or Ieisha.Gray@dc.gov.

cc: Sharon Lewis, Department of Health
Veronica Damesyn Sharpe, DCHCA
Mark Miller, DC Long-Term Care Ombudsman

¹ "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Civil Rights Act of 1964, as codified at 42 U.S.C. § 2000d. *See also* Section 1557 of the Patient Protection and Affordable Care Act, 42 U.S.C. § 18116; 45 C.F.R. Part 92.

² Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355 (Sept. 26, 1973), codified at 29 U.S.C. § 701 *et seq.*; and the Americans with Disabilities Act of 1990, (42 U.S.C. § 12101 *et seq.*).

³ "Each resident in a nursing facility shall have the right to the following: (a) Freedom from discrimination in treatment or access to services based on reasons prohibited by the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01, *et seq.*, 2007 Repl. & 2011 Supp.);" 22-B DCMR § 3269.1(a).

⁴ In the case of a person eligible for Medicaid, a nursing facility must not charge, solicit, accept, or receive, any gift, money, donation, or other consideration as a precondition of admission, expedited admission, or continued stay in the facility beyond any amount otherwise required to be paid under the State plan. *See* Title XIX of the Social Security Act, as codified at 42 U.S.C. § 1396r(c)(5)(A)(iii).