



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. **R 19-0063**
MAR 05 2019

REPORT RE:

**STIPULATED JUDGMENT AGAINST LAKEVIEW TERRACE NURSING FACILITY
IMPROPER DISCHARGE ALLEGATIONS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Our office has focused on addressing egregious instances of patient dumping through enforcement actions against health care facilities which have failed in their duty to provide appropriate care and aftercare for some of the City's most vulnerable individuals. Most recently, we received a \$600,000 stipulated judgment against Lakeview Terrace Skilled Nursing Facility in Westlake/MacArthur Park to resolve allegations that the facility improperly discharged homeless and mentally-impaired patients and failed to meet quality of care standards as required by law.

The order requires Lakeview Terrace to expend \$150,000 to retain an independent monitor, selected by our office, to oversee its operations for a period of two years. The monitor will have broad authority to ensure that Lakeview Terrace properly discharges patients and improves the quality of care provided. The monitor will report its findings to our office, enabling us to take further action if new violations are identified. The monitor will greatly benefit patients by ensuring there is direct oversight of both discharges and the quality of care they receive.

Under the settlement, Lakeview Terrace also must pay \$200,000 in civil penalties and disperse \$50,000 over a period of two years to cover housing costs for patients who are unable to afford a suitable residential placement at the time of discharge. Any money not dispersed within this two-year period will be donated, in equal shares, to the Union Rescue Mission, Midnight Mission, and the Integrated Recovery Network.

Additionally, Lakeview Terrace will allocate \$200,000 over a period of three years to hire, train, and support a Director of Resident Care & Compliance and related staff, who will oversee the implementation of discharge planning policies and protocols for homeless patients, ensure optimal post-discharge care and placement for each homeless patient, and oversee inpatient care standards. Discharges from the facility will also be tracked, monitored, and audited to ensure quality assurance and compliance.

Finally, under the settlement, Lakeview Terrace must comply with a number of conditions that will immediately improve the care and aftercare of all of its patients, including its homeless and mentally-impaired patients. Lakeview Terrace, among other things, must:

- Offer homeless patients the best housing options available at the time of their discharge from the facility, and fund temporary housing for those who cannot afford it;
- Invite appropriate governmental agencies into the facility to assist homeless patients in securing all available post-discharge social services;
- Institute comprehensive training programs for staff to ensure all patients are given proper medical care while at the facility and that homeless patients are properly assessed and cared for when discharged from the facility;
- Ensure that homeless patients who are transported from Lakeview Terrace to a residential placement receive a "warm hand-off," instead of being dropped off on the street;
- Establish and maintain a whistleblower program that allows Lakeview Terrace employees, patients, and other individuals to anonymously report suspected violations and mistreatment of patients;
- Ensure that each patient receives at least 3.5 hours of direct nursing care service hours per patient, per day, consistent with the requirements of the California Health and Safety Code; and
- Comply with all federal, state, and local laws and regulations applicable to skilled nursing facilities.

During City Attorney Feuer's tenure, our office has settled eight cases of this nature and has secured more than \$4.45 million in penalties, enhanced services and dedicated funds, from hospitals and skilled nursing facilities alleged to have been involved in unlawful patient discharges. Three of these cases were settled within the last year.

The requirement that Lakeview Terrace hire a monitor, and the other injunctive terms included in this settlement, illustrates our office's willingness to craft creative solutions and to use all appropriate tools at its disposal to protect patients of health care facilities in Los Angeles. This approach has also allowed us to foster productive collaborations with healthcare facilities when, as with Lakeview Terrace, they are willing to work with us to develop and provide added protections and enhanced practices.

If you have any questions regarding this matter, please contact Deputy City Attorney Christina Tusan at (213) 473-6908.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



LEELA KAPUR
Chief of Staff

LK:cam