



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

615 Chestnut Street  
Suite 1250  
Philadelphia, Pennsylvania 19106-4476  
(215) 861-8200

For Immediate Release

August 19, 2009

## **U.S. ATTORNEY ANNOUNCES SETTLEMENT WITH NURSING FACILITIES OVER ALLEGATIONS OF SUBSTANDARD CARE**

PHILADELPHIA – United States Attorney Michael L. Levy today announced a civil settlement for damages and changes in patient care practices at Willowcrest Nursing Home and Willow Terrace long-term nursing care residence. Willowcrest and Willow Terrace are a part of the Albert Einstein Healthcare Network and are located in Philadelphia at 5501 Old York Road and One Penn Boulevard, respectively. Willowcrest is one of the Philadelphia region’s largest subacute skilled nursing facilities. This civil settlement arose out of an investigation of Willowcrest’s sub-standard pressure ulcer treatment and prevention, incontinence care, pain management, nutrition, weight monitoring, infection control, and diabetic care.

This quality-of-care settlement is the first in which a health care facility is required to hire a full-time physician assistant or nurse practitioner whose sole responsibility will be to regularly and continuously treat its residents. This obligation undertaken by Willowcrest will supplement the monthly physician’s visits for all residents, which are already mandated under federal regulations governing nursing homes.

“Medically fragile patients suffer when there is no trained, watchful eye looking over them,” said Levy. “We hope this resolution will prevent a gap in care for nursing home residents, as it recovers money for the Medicaid program that was not well spent on quality care in the past at Willowcrest.”

The settlement also provides, in part, that Willowcrest and Willow Terrace will, together:

- Pay \$305,072 to the Medicaid program;
- For a minimum of three years, retain a qualified independent monitor, approved by the United States, who will assess the effectiveness, reliability, and thoroughness of Willowcrest’s internal quality control systems, training programs, and its ability to identify, analyze and correct problems;
- Spend a minimum of \$120,000 to hire and retain, for a minimum of three years, a full-time physician assistant or nurse practitioner;

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- Provide the U.S. Attorney's Office with annual reports documenting the employment of the new physician assistant or nurse practitioner;
- Implement an enhanced corporate compliance program that incorporates all of the Department of Health and Human Services Office of Inspector General's Compliance Program Guidance for Nursing Facilities, such as: a code of conduct; policies and procedures for implementing the compliance program; training and education requirements; a mechanism for anonymous reporting of incidents by Willowcrest employees; disciplinary consequences for employees violating compliance policies and procedures; and mechanisms for ongoing monitoring and auditing of Willowcrest's operations as they relate to quality of care;
- Appoint an internal Compliance Officer and create a Quality Assurance Compliance Committee;
- For all employees involved in patient care, provide annual training regarding Willowcrest's compliance program and its compliance with all federal and state health care statutes, regulations, directives, and guidelines.

"The Office of Inspector General is very pleased with this settlement, especially the provisions that will help ensure that patients receive the level of care that they need and deserve in the future," said Patrick Doyle, head of the Philadelphia Regional Office of the Department of Health and Human Services Office of Inspector General.

The case was handled by: Assistant U.S. Attorney Marilyn May, Assistant U.S. Attorney David Degnan, Health Care Analyst Patricia Doyle, Health Care Fraud Consultant Raymond Uhlhorn, and Special Agent Timothy J. Handley for the Department of Health and Human Services Office of Inspector General.

**UNITED STATES ATTORNEY'S OFFICE  
EASTERN DISTRICT OF PENNSYLVANIA  
Suite 1250, 615 Chestnut Street  
Philadelphia, PA 19106**

**Contact: PATTY HARTMAN  
Media Contact  
215-861-8525**

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