



**Government of the District of Columbia
Department of Health**



Health Regulation and
Licensing Administration

OCT 24 2013

Ronald L. Cheli, Jr.
Brinton Woods Health & Rehabilitation Center
At Dupont Circle
2131 O Street, N.W.
Washington, D.C. 20037

Dear Mr. Cheli:

This is in response to your request for a waiver of the required staffing ratio for the operation of Brinton Woods Health & Rehabilitation Center at Dupont Circle ("Brinton Woods"). Please accept the sincere apologies of the Department of Health, Health Regulation and Licensing Administration (HRLA), for the delay in responding. We regret any inconvenience this may have caused.

First and foremost we commend Brinton Woods for its continued professional management of nursing services. Indeed, we recognize the challenges you expertly encounter each day on behalf of District of Columbia in order to meet the needs of an aging population. In that context, the Department of Health hereby addresses your request for waiver. Specifically, you request a waiver of compliance with the required 4.1 hours of direct nursing care per resident per day by reducing the requirement to 3.5 hours of direct nursing care per resident per day.

Your request is made in accordance with 22 DCMR 3211.8, which provides:

In accordance with subsection 3211.6, in order to have staffing requirements adjusted to require less than the stated hours of care per resident as set out in subsections 3211.4 and 3211.5, a nursing facility shall submit to the Director a written request based on the particular needs of the facility.

Based on a review of your request, the Department denies your request for a waiver for the following reasons.

You report that Brinton Woods has new upper management, i.e. a new Administrator, Director of Nursing, Medical Director and owner. You describe their interaction with staff as implementation of new customer service protocols in accordance with which management greets new residents who are supplied with welcome packages and the facility follows up with residents

who have been discharged. In addition, management meets with the Resident Council President and ensures that related issues are addressed.

While these components are appreciated as adding to the comfort of residents, they do not seem to relate to the residents' day-to-day need for nursing care, or more particularly, the need for less direct care services. It is not clear how the management change equals a culture change wherein residents are more self-reliant and the environment has changed dramatically enough that it can meaningfully substitute for, in some ways, hands-on care.

In addition, please note the following:

- Quality measures were above average when compared to other District facilities in falls with major injury, increased need for help with daily activities and residents who receive antipsychotic medication, areas that indicate a need for more supervision.
- There is an overall concern that the measures the facility reports are at this point short term. The Department is not yet in a position to determine whether they result in quantifiable changes that merit a long term waiver of staffing requirements.
- The request emphasizes that Brinton Woods has increased staff appreciably. Notably, you report the addition of a full-time nurse practitioner in addition to an increase in other nursing staff and staffing levels generally. It was noted during your fiscal year 2013 recertification and licensure survey on December 14 to 21, 2012, that you staffed exactly 4.1 for overall direct nursing care hours and at 0.6 for advanced practice registered nurse or registered nurse. You acknowledge that the increases have helped you provide better care to residents. The Department would have to receive more information about why decreasing staff at this point would not be counterproductive.

The Department will take the opportunity to observe your operations and evaluate coming surveys to make a determination about the need for staffing ratio adjustments. If you find that an adjustment is appropriate in the future, you should submit a new request; however, based on the current submission we believe an adjustment at this time is premature.

If you have any questions I may be contacted on (202) 442-4737.

Sincerely,



Feseha Woldu, Phd
Senior Deputy Director