



City of Cambridge
Department of Human Service Programs
51 Inman Street, Cambridge, Massachusetts 02139, 498-9076

TO: Robert W. Healy
FROM: Jill Herold *JH*
DATE: January 30, 1991
RE: Response to Council Order No. 5, dated 12/17/90 regarding
Access to Harvard Manor Nursing Home

In response to Council Order No. 5 regarding access by children and others to Harvard Manor Nursing Home I have spoken with the Director of Harvard Manor; interested citizens; Mary Chemini, the Complaint Specialist at the Department of Public Health; and Jenny Caldwell, the Director of the Nursing Home Ombudsman Program at Somerville Cambridge Elder Services and found the following.

Harvard Manor must abide by OBRA regulations in order to be certified for Medicaid and Medicare reimbursement. There are new OBRA regulations effective as of October 1990 which address access and visitation rights for nursing home patients. These regulations state that each resident has the right to immediate access to certain people including their individual doctor, the Long Term Care Ombudsman, Developmental Disability personnel, state representatives from Elder Services and DPH, and the regulations go on to say that residents have the right to have children who are family members visit as well as anyone else who they personally would like to see. However, this does not mean that anyone who wants to see them may visit; it must be with the resident's consent and approval.

Upon the complaint filed against Harvard Manor, DPH conducted an investigation of the home and found that the Administrator in fact had a written policy permitting children only in the activity area and only on personal invitation. The matter was then brought before the Nursing Home Administrator's Licensing Board and this Administrator was reprimanded and instructed to change the policy (as visitors cannot be excluded on the basis of their age). A nursing home's written policy cannot conflict with DPH rules which allow the type of visitation mentioned above. However, the nursing home is within its rights to protect residents from uninvited visitors and to structure group visits so they do not disturb the patients.

DIVISIONS:

Childcare
498-9076

Community Learning Center
547-1589

Community & Youth
498-9037/9072

Council on Aging/Elderly Services
498-9039

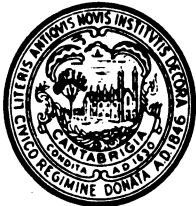
Low Income Fuel Assistance
498-9038

Planning & Development
498-9076

Recreation
498-9028

MultiService Center/Homeless Services
864-6340

Concerns had been expressed that residents were not aware of their rights in terms of visitation. Jenny Caldwell, Ombudsman Director at SCES responded that there are several vehicles in place at Harvard Manor for ensuring residents rights. The ombudsman assigned to the nursing home regularly informs patients of their rights both individually and through group meetings. They are in the process of forming a Resident's Council for Harvard Manor which will allow monthly meetings and group discussion around residents rights issues. Also, the LIFE program goes into the home on a regular basis and does advocacy and activities. The new OBRA regulations also require that residents have the opportunity to express satisfaction or dissatisfaction with how things are at the home and whether they are satisfied with who comes into the home to visit. The Ombudsman program will be monitoring that this in fact occurs.



CITY OF CAMBRIDGE

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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

February 4, 1991

To The Honorable, The City Council:

With regard to Awaiting Report Item No. 20, relative to the Harvard Manor Nursing Home, attached, please find a response from Jill Herold, Assistant City Manager for Human Services, concerning this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mev
attachment

Agenda # 4

CONSENT

S-231

Awaiting Report Item Number 20, regarding
the Harvard Manor Nursing Home.

In City Council,

February 4, 1991

Placed on file