

DCRA EXHIBIT A

**AFFIDAVIT OF SHARON H. MEBANE
PROGRAM MANAGER, INTERMEDIATE CARE FACILITIES DIVISION, HEALTH
REGULATIONS AND LICENSING ADMINISTRATION,
DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH**

I, Sharon H. Mebane, having been placed under oath, hereby state the following:

1. I, Sharon H. Mebane, am over the age of 18 and competent to give testimony under oath.
2. I am employed as a Program Manager within the Intermediate Care Facilities Division, Health Regulations and Licensing Administration, District Of Columbia Department of Health ("DOH/HRLA/ICFD"). My employment responsibilities include, but are not limited to, providing regulatory oversight for six (6) programs: the Intermediate Care Facilities for Individuals with Intellectual Disabilities, Community Residential Facilities for the Elderly and Physically Disabled, the Assisted Living Residences, Child Placing Agencies, and Home Care Agencies. Oversight includes inspections, surveys, and investigations to determine compliance with applicable laws and regulations, such as the Public Health and Medicine, the HealthCare and Community Residence Facility, Hospice and Homecare Licensure Act of 1983, and the Assisted Living Law of 2000.
3. In 2001, Blessed Homes, Inc., was initially licensed to operate two Community Residence Facilities ("CRFs"), located at 4910 First Street, N.W., and 5033 North Capital Street, N.W. The CRFs were operated by Rosemary Ogbenna and Lovenah Ogbenna. In February 2009, Blessed Homes, Inc. surrendered their licenses in lieu of correcting identified deficient practices that potentially would preclude continued licensing. (See Exhibit 1, 2/12/09 Final Notice Letter.)
4. Since that time, our office has investigated multiple complaints alleging that Rosemary Ogbenna continues to operate Community Based Residence Facilities under the provider name of Senior Dwelling, Inc. Upon information and belief, and according to the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA"), Senior Dwelling, Inc., is licensed to operate three (3) rooming houses located at 223/225 56th Place, N.E., 4910 First Street, N.W., and 5033 North Capital Street, N.W. The complaints alleged that Rosemary Ogbenna was financially exploiting residents' social security funds and other retirement/pension incomes. Additionally, it was alleged that Ms. Ogbenna was misrepresenting her businesses as a group home and an assisted living residence.
5. To my knowledge, the investigations undertaken by DOH/HRLA/ICFD reveal the following facts:
 - In June 2009, HRLA visited 5033 North Capitol Street, N.E., and determined that the facility was closed. However, in November 2009, based on another complaint, HRLA revisited the premises and confirmed that the facility was open. Attempts to

gain entry were unsuccessful as a tenant of the premise refused to allow the surveyor entry.

- In June 2009, HRLA visited 4910 First Street, N.W., and concluded that Ms. Ogbenna was operating a rooming house. Interviews with tenants determined that that rooms were rented to individuals capable of independent living.
- On January 7, 2010, HRLA visited 223/225 56th Place, N.E., to investigate unlicensed activity. The surveyor concluded that the facility appeared to be functioning as a rooming house based on the written evidence that was provided and on information obtained from the owner. However, the surveyor's observation suggested that the rooming house was functioning as an assisted living facility because of the communal cooking, home health services, and socialization. The surveyor revealed, through interviews with Ms. Ogbenna, that most residents' social security funds were directly sent to her. She also stated that residents' referral sources for the rooming house were nursing homes and individuals who were Medicaid waiver recipients.
- In July 2012, HRLA received a complaint from DC Fire Department that a group home patient, residing at 223/225 56th Place, N.E., was discovered un-responsive in an extremely hot bedroom on the 4th floor. The patient's body and bed linen were covered with fecal matter and undigested foods. The patient was admitted to the hospital with diagnoses that included dehydration and emaciation.

HRLA's investigation substantiated that the home care agency's aide neglected to call 911 when the patient complained of fainting and blacking out due to the heat in his bedroom. The aide left the resident unattended to go to store, and when she returned, the resident was unresponsive. The resident was admitted to a local hospital and subsequently died. The home care agency was issued and paid a civil infraction notice of \$6500.00, and their license was and continues to be restricted to no new admissions.

- In March 2013, HRLA participated in a joint investigation with DCRA to again determine if Ms. Ogbenna was operating an unlicensed CRF/Assisted Living Residence at 223/225 56th Place, N.E. HRLA's investigation determined that Senior Dwelling, Inc., was operating beyond the scope of a rooming house. The investigation determined that Ms. Ogbenna presented her business to community health providers and to a guardian as an assisted living residence or as a group home that provides 24 hour staffing.

An interview with 8 residents and one legal guardian revealed that Ms. Ogbenna took control of residents' social security benefits as criteria of occupancy. One resident expressed strong disapproval and insisted that he never authorized Ms. Ogbenna to become his representative payee. Another resident's legal guardian was told that if he removed Ms. Ogbenna as a representative payee, his client would be evicted.

- On November 22, 2013, HRLA received a complaint that a resident, who lived at 223/225 56th Place, N.E., was found deceased in his bedroom on September 19, 2013, four days after he was missing. The complainant alleged that the resident's money was missing and the resident was served non-nutritious foods. Additionally, the complainant further alleged that Senior Dwelling, Inc., misrepresented their services by indicating that they could provide the care and health services necessary to support the deceased.
- On December 6, 2013, HRLA surveyors visited the facility to monitor and assess the home care aides services provided to the residents. Upon arrival at 9:15 a.m., there were 4 Home Health Aides ("HHA") present, and one individual that identified herself as a "night sitter." At 11:00 a.m., another HHA arrived.

The following are the individuals that were identified as residents located at 223/225 56th Place, N.E. The information was obtained by a review of onsite medical records and HHA records.

Residents 223/225 56 th Place	DOB	Contact Person	Special Needs	Physician	Home Health Aide Required Care
	NO IDENTIFIED HOME CARE AGENCY / RECORDS NOT AVAILABLE				
		Rosemary Ogbenna	24 hrs in- home management plan		Private Yaa Adu Boatemaah
		Rosemary Ogbenna	24 hrs in- home management plan	MD	T&N Jersy Fomanka 8 hrs-7days
	NO IDENTIFIED HOME CARE AGENCY / RECORDS NOT AVAILABLE				
	NO IDENTIFIED HOME CARE AGENCY / RECORDS NOT AVAILABLE				
	08/21/27		24 hrs in- home management plan		T&N Alemzie Mbakem 8 hrs-7days
	09/30/46	Rosemary Ogbenna	24 hrs in- home management		T&N Yaa Adu Boatemaah

			plan	8267	8hrs-7 days
I	7	Rosemary Ogbenna	24 hrs in-home management plan	(	KBC Joseph Bisong 8 hrs-7days
s	0	Rosemary Ogbenna	24 hrs in-home management plan	M	T&N Yaa Adu Boatemaah 8hrs-7 days
	NO IDENTIFIED HOME CARE AGENCY / RECORDS NOT AVAILABLE				

During the onsite monitoring, two HHAs were cooking breakfast for all 11 residents. The breakfast consisted of bologna and toasted bread with butter and jelly. Eggs were prepared for one resident. Each HHA served their resident breakfast either in the common area or in their bedrooms.

The aides were identified as employees of KBC or T&N, home care agencies. Interviews with the aides revealed that they prepared all residents' meals, cleaned the home, and assisted the residents with bathing, dressing, shopping, and medications.

Nurses from the Veterans Administration ("VA") visited the residents placed by VA. They provided general physical assessments, assisted with medications, and escorted residents to and from their medical appointments.

- Ms. Ogbenna was interviewed on December 6, 2013, and stated that she was the representative payee for 8 of the 11 residents of the home; and was the contact/responsible person for at least 7 of the 11 residents.

Ms. Ogbenna also represented that she solicited most of the residents from nursing homes and hospitals. She stated that she was a social worker and prior to admitting residents to the rooming house, she assessed the individuals to determine if they were able to live in the home. She indicated that residents were not eligible to live in her home if they did not have Medicaid or present with extensive health issues.

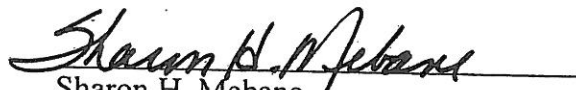
Ms. Ogbenna identified 5 of the 11 residents that received home care services from home care agencies; and of the remaining 6 residents, 3 received private care and the other 3 received no assistance.

Ms. Obgenna was asked what made her rooming house different from her previously licensed CRFs. She stated that the rooming home provided her with more freedom to do other things. She had no responsibility because the home health aides are responsible for the residents' care.

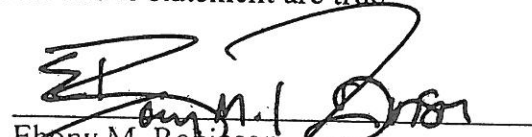
- On December 11, 2013, two nurse surveyors and a sanitarian visited the facility to visually assess and interview the residents receiving HHA services to determine their level of dependence for their personal care needs.

Based on the nursing assessments and review of the resident's plans of care, it was determined that the residents required a 24 hour in-home management plan to ensure supervision/assistance with their personal care needs. There was no evidence that residents were being supervised or assisted with personal care after the HHA leaves the home. Although the rooming house employed a "night sitter," the employee stated that she did not provide direct care. Interviews, observations, and record review revealed that the residents' plans of care were not being implemented as prescribed by their physicians, leaving the individuals potentially at risk.

- During this December 11, 2013 visit, HRLA observed that there were individuals living on the 3rd and 4th floor that could not negotiate stairs independently. There were residents with mental health disorders and cognitive impairments that were provided HHA services without training on their disorder. All individuals with a plan of care were ordered a specialized diet that was not being implemented. For example, there were many that were ordered to receive a low fat and low sodium diet. All residents were observed being given fried bologna for breakfast on two separate occasions, December 6th and December 11th.
- Additionally, the HRLA nurse surveyors observed an individual who was wearing a white lab coat and who identified himself as a student from CAPTECHK, a home health aide training school.


Sharon H. Mebane

Sharon H. Mebane personally appeared before me on this 12th day of December 2013 and made oath that the facts set forth in the above statement are true


Ebony M. Robinson
Assistant Attorney General

Oath Administered pursuant to D.C. Code § 1-301.113

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health



Health Care Regulation
& Licensing Administration



SENT VIA FACSIMILE

FINAL NOTICE

February 12, 2009

Rosemary Ogbenna
Director
Blessed Home Inc.
5033 North Capitol Street, NE
Washington, DC 20011

Re: *Delinquent Plan of Correction for DC Licensure Deficiencies*

Dear Ms. Ogbenna:

On October 10, 2008, an annual licensure survey was conducted to determine compliance with Title 22 of the District of Columbia Municipal Regulations (DCMR), Chapter 34 at your facility located at 5033 North Capitol Street, NE. Pursuant to the authority provided in 22 DCMR, Chapter 31, §3107.7, failure to provide an acceptable Plan of Correction (POC) may result in the revocation of your license.

We are therefore requesting that you forward the POC for the above listed facility to this office immediately, but no later than Monday, February 23, 2009.

Should you have questions regarding this matter, please contact Louis Woodard, Supervisor, Intermediate Care Facilities Division on (202) 442-5888.

Sincerely,

A handwritten signature in cursive script that reads "Sharon H. Mebane".

Sharon H. Mebane
Program Manager

