



TRUMP IS 'FINE'

Whisked off Pennsylvania stage after shooting at rally.  
Prosecutor says gunman, at least 1 attendee are dead. Page A11.

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INVESTIGATION

'A dog pound would be better'

Inside the most-fined nursing home in WMass

By GRETA JOCHEM  
gjochem@repub.com

Just before last Christmas, Danica Ali saw black mold growing on the wall next to her bed at Highview of Northampton, a skilled nursing home and rehabilitation facility.

"Sometimes I would be sleeping and coughing like hell," she says, sitting in her room at Highview. She pulls up a photo of that white cinder block wall, speckled with black spots. It went undressed for weeks, she said.

It's far from the facility's only issue. Government inspections over the last three years flagged 76 deficiencies, failures to meet federal standards. Since June 1, 2021, surveyors found 15 instances of failing to keep residents free from abuse, neglect or exploitation. Officials cited other issues including failing to give patients appropriate treatments, failing to meet kitchen sanitation standards, and having a medication error rate of more than 5%.

Highview is one of the most fined facilities in Massachusetts by the federal government in the past three years. It has not met state standards for registered nurse hours and has well above the national average of health citations. It ranks in the bottom 2% of facilities based on performance data kept by the state Execu-



Above, Leonard Wright sits in his room at Highview of Northampton. Below, Dana Weber is a former resident of Highview of Northampton. He has concerns about the quality of care at the facility. (GRETA JOCHEM PHOTOS / THE REPUBLICAN)

tive Office of Health and Human Services. It has a one star rating (out of five) from the federal Centers for Medicare & Medicaid Services.

The facility is "notorious," said Paul Lanzikos, a former state secretary of elder affairs and coordinator and co-founder of Dignity Alliance Massachusetts, an advocacy organization.

"Unfortunately, Highview has a long established reputa-

tion of poor quality care," he said. "They should have been shut down a long time ago." Athena Health Care Systems — the Farmington, Connecticut, company that owns the 120-bed facility — has faced a slew of lawsuits across courts in Connecticut, Massachusetts and Rhode Island, states where it operates about 40 properties, including nursing homes and hospices.

SEE HIGHVIEW, PAGE A6



Highview of Northampton is one of the most fined facilities in Massachusetts by the federal government in the past three years. It has not met state standards for registered nurse hours and has well above the national average of health citations. (GRETA JOCHEM / THE REPUBLICAN)

MORE COVERAGE INSIDE

■ ESTATE OF WOMAN WHO DIED AT HIGHVIEW IS SUING: Triona Hanley was admitted to Highview of Northampton in early 2017 for rehabilitation therapy after being diagnosed with multiple sclerosis. Hanley was prescribed pain medication, but it wasn't administered to her one day in early June 2017, despite her extreme discomfort. Around 11:45 p.m., a nurse noted Hanley was asleep. When staff next checked in on her at 8:45 a.m. the next day, she was unresponsive — her lips blue and body cold. Page A7

■ INSIDE UNDERSTAFFING AT NURSING HOMES IN MASSACHUSETTS: After ringing the bell to summon care, it could take hours for Samara Bynum of Springfield to get help at Highview. "They take forever to come to you," Bynum said. She arrived at Highview in September 2023 with mobility and hip issues; she left this spring. All current and former residents like Bynum who spoke with The Republican agreed the facility is understaffed. Page A7

■ ATHENA SUED FOR UNPAID BILLS: Court filings on Athena Health Care Systems, the company that owns Highview of Northampton, suggest that the company is facing financial challenges. Multiple suits show instances of unpaid fees and bills, totaling more than \$1 million. Page A7

WEATHER

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STATE

Tool for equity or perpetrator of inequity?

6 viewpoints on MCAS grad requirement

By HADLEY BARNDOLLAR  
hbarndollar@masslive.com

This November, Massachusetts voters will cast judgment on whether a decades-old standardized test will remain a gatekeeper to a high school diploma in the state.

A hotly debated ballot question backed by the Massachusetts Teachers Association, the largest teachers union in the state, will reveal whether passing the Massa-

chusetts Comprehensive Assessment System, known as MCAS, will continue to be a graduation requirement for public school students.

The requirement has been in place since 2003, first enacted as a tool to transform Massachusetts' educational performance and create common graduation standards for all school districts. Today, students must pass 10th grade MCAS tests in English language arts, math and science in order to receive their high school diploma. MassLive heard from 500 read-

ers who offered up their opinions on a request on our social media pages. About 90% said they oppose MCAS being a graduation requirement.

But recent polling done by the University of Massachusetts Amherst shows the ballot question vote will likely be a close one on Nov. 5: 43% said they would remove the graduation requirement, 36% would keep it and 20% said they didn't know.

MassLive talked to the following six people about their varying viewpoints.

Her daughter might not get a diploma

Kari Thibault, of Sunderland, doesn't know if a high school diploma is in her daughter's future. A rising senior this fall in the Frontier Regional School District, her daughter, who has learning disabilities and is on an individualized education plan, hasn't passed two of the three MCAS tests required by the state for a diploma.

If that remains the case, it's likely she'll receive a "certificate of attainment" indicating that she completed

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# Highview

CONTINUES FROM PAGE A1

That includes open cases like a wrongful death suit about a woman who died at Highview in 2017 with methadone — a drug a lawsuit says she wasn’t prescribed — in her system.

The company is also under an agreement with the Attorney General’s Office after a state investigation alleged it provided poor care for people with substance use disorder at multiple facilities, including at Highview. At the time it was signed, it was the largest settlement with a nursing home in the AG’s history.

This story looks at the facility’s record and introduces readers to people living at one of the state’s poorest performing nursing homes.

## ‘I can’t wait to get out of here’

Current and former residents like Ali who spoke to The Republican described a facility that neglects patients and provides poor care.

Athena Health Care Systems defended its record and quality of care.

The company can’t comment on specific individuals and their situations, for privacy reasons, Savannah Ragali, a company spokesperson, said in a statement. “We are always working to address grievances promptly,” she said.

Ali and other residents who spoke to The Republican want to see the facility make changes.

“People need to know what’s going on with that place,” said Samara Bynum, a Springfield woman who left Highview in late May after a nine-month stay.

Ali, 50, moved there after a foot amputation led to an infection in 2021. Ali said she and others have waited on the toilet for more than an hour without help they needed to clean themselves up and have seen feces in the showers go uncleaned. “This place needs to be overhauled,” she said.

Leonard Wright sits in the small room at Highview he shares with a roommate, a thin curtain between their beds. He uses a wheelchair and has mobility challenges. Without the help he needs, he says his catheter bag overflows and leaks onto the floor, soaking his nearby items and leaving a persistent smell.

Wright, 52, arrived at Highview two and a half years ago. Several years ago, he had a stroke that left him without feeling or use of his feet. A cut in one foot became infected. His feet have improved, but they can still cause pain, so he takes pain medication, he said.

Recently, he said the extended-release opiate he is taking on doctor’s orders has been given to him by Highview staff crushed instead of whole — he believes it’s because a patient was not taking the pills and saving them.

“I told them that crushing my pills made me high all at once,” he said. “Instead of dulling the pain over time, it got me freaking high.”

The Republican asked Athena about Wright’s allegations — and whether the facility had made a medication policy change. Ragali said the company can’t comment on individual patients for privacy reasons and didn’t address the policy question. Ragali emphasized the company’s commitment to care. “For 40 years, Athena Health Care Systems has provided high quality nursing care for thousands of residents,” she wrote.

Like Ali, Wright lives in a locked wing — no one can leave the hallway of rooms without a staff member unlocking the door.

Wright wants to leave the facility, but doesn’t have anywhere to go. Before living at Highview, he rented space in a house a friend owned in Russell; that friend had to sell the property because he could no longer afford it. Now, Wright is trying to find an affordable place to move with a Section 8 voucher.

“I can’t wait to get out of here,” he said.

Top 10 highest federally fined nursing homes in Massachusetts over the last three years			
Fines are from the the U.S. Centers for Medicare & Medicaid Services			
Facility	Fines total	Location	Affiliation
Tremont Health Care Center	\$747,955	Wareham	Athena Health Care Systems
Somerset Ridge Center	\$595,942	Somerset	Best Care Services
Charlwell House Health and Rehabilitation	\$560,898	Norwood	Best Care Services
Mill Town Health and Rehabilitation	\$529,654	Amesbury	Blupoint Healthcare
The Meadows of Central Massachusetts	\$448,413	Rochdale	Vibra Healthcare
Plymouth Rehabilitation and Health Care Center	\$433,538	Plymouth	Athena Health Care Systems
Parkway Health and Rehabilitation Center	\$429,360	Boston	Bear Mountain Health Care
Highview of Northampton	\$363,337	Northampton	Athena Health Care Systems
Vantage at Wilbraham	\$360,606	Wilbraham	Vantage Care
Blaire House of Tewksbury	\$348,087	Tewksbury	
Source: The U.S. Centers for Medicare & Medicaid Services. • Data is from June 1, 2021, to June 1, 2024. Graphic by Greta Jochem/The Springfield Republican			

When Dana Weber, 70, needed care in 2021, he thought Highview would be a good choice. More than a decade ago, when his mother was ill, she got quality care at the Leeds facility, he said. At that point, it was called The Overlook at Northampton and owned by Masonic Health Systems of Charlton. “The personal attention and care was tenfold better,” Weber said from his Florence living room, where he moved after recently checking out of Highview. Athena bought the facility from Masonic Health Systems in 2015.

Weber joined the residents’ council after becoming upset with the care people were receiving. He saw people waiting for bedpan changes and for help getting dressed or taking a shower, he said. Though the care was poor, he connected with some people who worked there who were kind, he said. He left the facility early this year.

In mid-April, residents and staff reported to the city health department that the building had no heat and hot water, health department records show.

“The kitchen staff has been using emergency procedures but have been unable to keep up with boiling water to properly clean equipment and utensils,” reads a report the city’s Department of Health and Human Services sent to the state.

“Relative hasn’t had a shower in a week,” one complaint to the city reads. “We didn’t take baths for four days,” said Bynum, the Springfield woman who checked out in May.

Space heaters were put up in the halls, a city inspection notes. Several days later, a temporary boiler was installed and the city’s building department inspected. Athena did not respond to questions about the reports of lack of heat.

“We all got cold — everybody,” Wright said.

“They all had on their hoodies and all the blankets they could,” said a woman who for years has regularly visited Highview for her job. She asked to be not identified, fearing it could affect her employment.

While she visited amid the outage, a resident was crying because they were in pain without heat, she said. She found the building decrepit and regularly noticed problems like mold, she said, but the loss of heat was the last straw for her.

“I don’t understand why they haven’t been shut down,” she said. “A dog pound would be better.”

## Survey and reports

Of more than 300 Medicare-certified nursing home and rehabilitation facilities statewide, Highview has the ninth highest total federal fines in the last three years, according to data from the U.S. Centers for Medicare & Medicaid Services.

In all, the facility has been fined \$363,000 by the federal government in the last three years. The company did not respond to a question from The Republican about whether or not it disputes any of the deficiencies.

It’s the most-fined nursing home in all of western Massachusetts, with Vantage at Wilbraham fined almost as much and Pioneer Valley Health and Rehabilitation in South Hadley fined \$338,000. Three of the top 10 in the state are operated by Athena Health Care Systems.

Government reports of standard inspections and complaint investigations offer a window into problems officials have flagged at Highview.

Around midnight on a March evening in 2023, a resident cried out in pain from their room. A few weeks earlier, they had fractured their ankle at Highview.

“He/she was in so much pain that it felt as though he/she had broken his/her leg again,” a Centers for Medicare & Medicaid Services complaint investigation report reads. A certified nursing assistant told the surveyor “that almost an hour had passed and still Nurse #2, had not assessed Resident #2’s leg pain and Resident #2 was still crying and yelling in pain.”

The patient had waited for about two hours when at 2 a.m. the nurse administered pain medication, the report says the patient’s medical records show. Within a half hour, the ankle pain was persisting, the report says a certified nursing assistant told the surveyors.

The CNA told surveyors that around 4 a.m. that the resident was “hysterically crying and screaming out in excruciating pain.” The nurse told the CNA that they didn’t “feel like” visiting the resident and went back to sleep, the CNA reported to surveyors.

“I was crying so much I could not breathe,” the resident told the surveyor. After not getting help, the person called 911 and was admitted to the hospital, where staff found swelling in the person’s leg and gave them pain medication.

The surveyor found the nurse didn’t take notes or vital signs or call the doctor about the severe and unrelenting ankle pain, the report says. It could have been a sign of a blood clot in the person’s leg, which they had a history of. The nurse did not assess that, the report says.

Highview was fined \$12,799 by the federal government for the incident.

## What inspections have found

State agencies must inspect nursing homes annually for the U.S. Centers for Medicare & Medicaid Services, and can also investigate specific complaints. In Massachusetts, the Department of Public Health licenses and oversees

nursing homes. It also surveys facilities for the Centers for Medicare & Medicaid Services to make sure that they follow federal rules and regulations.

Officials have cited Highview for verbal abuse. In January 2023, two staff members were seen using “punishment, bullying, and intimidation as methods to try and force Resident #1, who only wanted to go out to smoke, to go back to his/her unit,” a CMS complaint report reads. The resident had a history of post-traumatic stress disorder and became agitated. The surveyor found the facility failed to protect the resident from abuse and fined it \$111,492.

In 2022, a report reviewed a Highview internal investigation that substantiated a verbal abuse report. A CNA called a resident “a fat f—ing pig,” the government report says. The CNA “was unrelenting during her verbal assault on Resident #1,” the report says.

The facility found the CNA had verbally abused the resident and fired the employee, but didn’t report the allegation within two hours to the state, as required, and instead waited until the next day. It was fined \$41,650.

In a survey in October 2023, an investigation of a complaint determined that multiple people heard a CNA call a resident a “f—ing fool.” Highview fired the person before the surveyor’s report. Verbal abuse was also found in an August 2023 report, when a resident asked for food and was unhappy with the offer of a sandwich. “F— you,” numerous people said that the staffer told the resident. “Resident #1 said it made him/her feel like s—,” the report says.

In the facility’s last publicly available standard inspection, in July 2023, an investigator found 13 deficiencies, none of which it was fined for. One resident needed bariatric surgery and a doctor put in an order, but staff didn’t schedule a consultation.

“Nurse #1 said she was aware that the Resident’s Doctor had given an order many months ago for the consult but the staff member in the facility who did the appointment scheduling had quit and it got dropped,” the report says.

Another resident had not seen a dentist while at Highview in two and a half years and wanted dental care. “He/she showed the surveyor his/her teeth and the surveyor observed the Resident to have broken and missing teeth throughout his/her mouth,” the report reads. A note six months earlier in that person’s chart said they had requested dental care.

A March 2023 survey says that a CNA allegedly borrowed \$100 from a resident that for weeks the person avoided paying back. The facility stepped in to pay the resident, but didn’t properly report the allegation to the

state as is required.

A standard inspection of the facility in 2022 led to a \$132,391 fine and flagged issues including a pain management failure, failing to report COVID-19 cases to residents and families, failing to educate staff about abuse and neglect, and problems with food storage.

Staff also didn’t properly maintain a resident’s respiratory equipment. When the resident struggled to breathe and speak in January 2022, the person was hospitalized. Nurses watched a representative for the Airvo device set the machine up, but there was no formal in-service training for the device, the facility’s administrator told investigators.

In 2021, Highview was cited for not protecting residents from abuse and not keeping the facility safe, clean, comfortable and homelike. By reviewing the facility’s internal documents and talking to staff and residents, one investigation found a resident had reportedly sexually assaulted another resident, threatened and yelled at people and used inappropriate language. Staff took a report about an alleged sexual assault, but didn’t report it to the state, as required.

Residents were afraid of this particular resident, the report said. A key staff person told investigators the resident’s behavior “contributed to underlying racism and a prison like environment on the Unit,” the report says.

Staff suspected this resident brought illegal drugs in the building, and key staff told surveyors that the person bragged about having illegal drugs on his or her person where staff can’t search, the report says.

“One Nurse said Resident #1 came into the Facility where residents with substance use disorders were trying to get better, took money from them and disrupted their lives by supplying them with illegal substances/drugs,” the report says. “One Nurse said Resident #1 preyed on vulnerable residents at the Facility like a vampire.”

The facility was hit with a \$59,000 federal fine for violations flagged in that inspection.

A report from just two weeks later found similar deficiencies, but didn’t issue a fine. Several residents had gotten into a fight and reportedly threatened each other with rudimentary weapons.

“Resident #3 had what looked like a three foot long spear with a butter knife attached to the end,” one CNA told investigators. Three residents threatened to kill each other, witnesses said. “CNA #2 said that Resident #2 had a tube sock with a bar of soap in the end of it, which he/she was holding up like a weapon,” the report reads. “CNA #2 said that the situation was like a riot.”

These issues are also reflected in calls to emergency

services. In 911 calls to city police over the last five years, a log that totals more than 100 pages, staff summoned police to report residents being physically violent and causing disturbances. In some instances, residents called police to say no one was helping them.

## State fines top out at \$50

While the federal government sometimes levels hefty fines, the state agency that licenses and oversees nursing homes does not.

Last year, the Department of Public Health received 14,061 complaints and incident reports from nursing homes across the state.

So far this year, the department has issued four fines across the state totaling \$200. Last year, it issued \$200 in fines, including a singular \$50 fine to Highview, according to the DPH.

DPH penalties are capped at \$50 for violations of any state long-term care regulations and laws, a spokesperson said. That’s the minimum price for a speeding ticket in the state.

Additional \$50 fines can be imposed if the issue isn’t addressed by a deadline.

When facilities are not in compliance with a state or federal law, DPH issues a statement of deficiency outlining the problems and the facility must submit a plan to correct the issues and the state follows up.

Highview was fined \$50 by the state in 2021 for not reporting a serious incident to DPH and fined \$50 in 2023 for not submitting a thorough investigation report to the state, a DPH spokesperson said.

A bill addressing nursing home care in the state proposes raising the DPH’s maximum fine to \$500. The House voted to pass that legislation and now it’s with the Senate Committee on Ways and Means — which has more than 600 bills on its plate to review before formal sessions end July 31.

Residents can also get help addressing issues from the state’s Long-Term Care Ombudsman’s office. This independent body assists and advocates for people in nursing homes, rest homes and assisted living residences. Staff at the program were not available for an interview, said a spokesperson for the state’s Executive Office of Health and Human Services, which oversees the program.

“Issues about care at the nursing home and an older building are noted,” the state spokesperson said of Highview. “But overall, the complaints we receive are typical of nursing homes across Massachusetts, including challenges in recruiting and retaining sufficient staff and providing adequate training to support staff in caring for the population they serve.”

## AG alleges ‘numerous’ unreported overdoses

Several years ago, staff at the Attorney General’s Office noticed a trend in complaints at several Athena facilities, including Highview: issues with care for people with substance use disorder.

After an investigation by the Medicaid Fraud Division, the AG’s office announced in late 2022 that it and Athena had come to a \$1.75 million settlement over allegations at five Athena facilities in Massachusetts: Highview, Marlborough Hills, Parsons Hill, Webster Manor and Worcester Rehab.

Highview and three other skilled nursing homes “at Athena’s direction, admitted substantial numbers of residents with histories of substance use disorder,” but didn’t have enough trained staff to care for them, the signed settlement agreement states. Those homes failed to report overdoses to the state — a requirement — and Athena knew it was not in compliance, the AG’s office contends.

Exactly how many overdoses, the Attorney General’s Office declined to say, but pointed to the agreement’s reference to “numerous” instances.



# Estate of woman who died at Highview of Northampton is suing

**By GRETA JOCHEM**  
gjochem@repub.com

**NORTHAMPTON** — Triona Hanley was admitted to Highview of Northampton, a nursing home, in early 2017 for rehabilitation therapy after being diagnosed with multiple sclerosis.

Hanley was prescribed pain medication, but it wasn't administered to her one day in early June 2017, despite Hanley rating her pain as an 8 out of 10, according to a lawsuit filed by her estate in 2020 in Hampshire Superior Court. Around 11:45 p.m., a nurse noted Hanley was asleep in her chair, according to a court filing from her estate.

When staff next checked in on her at 8:45 a.m. the following day, she was in the same chair but unresponsive — her lips blue and body cold, the court filing says. Hanley, 37, was declared dead at Cooley Dickinson Hospital.

Though she was never prescribed methadone, her cause of death was listed as “acute sudden death in a person with multiple sclerosis in the setting of methadone intoxication,” according to the wrongful death complaint. The manner of death is listed as undetermined.

“This could have and should have been prevented,” said Rebecca Thomas, an attorney who is representing Hanley’s estate. The lawsuit claims Highview and several of its employees were negligent in her death.

“The people who go into these facilities are vulnerable,” Thomas said. “They are there to be protected and cared for and kept safe. That’s not what happened in this case.”

Highview is one of the highest federally fined facilities in Massachusetts in the past three years and ranks in the bottom 2% of facilities based on state performance data kept by the Executive Office of Health and Human Services. The Republican spoke to several current and former residents of the facility who described poor conditions



Though Triona Hanley was never prescribed methadone, her cause of death at Highview of Northampton was listed as “acute sudden death in a person with multiple sclerosis in the setting of methadone intoxication.” (PROVIDED PHOTO)



Triona Hanley, right, pictured with a cousin. (IMAGE COURTESY OF SEAN HANLEY)

and alleged neglect.

Hanley had seen a neurologist the day before her death, who said that “her death was completely unexpected and unforeseen,” the complaint says.

She didn’t have a history of using narcotic drugs without a prescription nor did she have suicidal ideations or depression, according to Thomas.

In court filings, Highview denies its actions caused Hanley’s death. Athena

Health Care Systems, which owns Highview of Northampton, declined to comment on the case to The Republican. The attorney listed for Athena in the court filings did not respond to a request to comment.

No criminal charges filed related to Hanley’s death, a spokesperson for the Northwestern District Attorney’s Office said. Per its policy, the office declined to confirm or deny whether an investigation was conducted. The office has audio recordings of interviews, police reports and “crime scene and lab reports,” a response to a records request says, but the office declined to release them saying doing so could impact the pending civil lawsuit.

It also cited exemptions to the state public records law, including one that makes medical records private.

It’s not clear how Hanley

obtained the methadone. The legal complaint cites September 2017 Department of Public Health documents from an unannounced survey that say narcotics were not securely stored and a stockpile of methadone was found in one resident’s room. A DPH spokesperson confirmed that a staff person went to the facility in September 2017 for a survey and flagged two violations of federal rules — including that services didn’t meet professional standards — that were corrected six weeks later.

Thomas thinks it’s more likely Hanley received the wrong medication. But even if she had gotten the methadone from another resident, the facility needs to provide proper supervision, Thomas said.

**‘Focused on recovery’**

Sean Hanley said he misses everything about his sister Triona. He remembers her as kind and creative, always with an upbeat attitude. She had long lived in Massachusetts and worked in sales and marketing, and enjoyed singing.

While at Highview, she didn’t complain about the facility to Sean when they talked. “She was more focused on her recovery and her future,” he said. She had secured a new place to live, he added.

Sean Hanley wants to see the facility held accountable and to prevent other families from going through what his family did.

“This facility should be shut down permanently, it’s beyond the pale,” he said.

Parties agreed to dismiss claims against a doctor that were originally part of the suit.

In 2021, a medical malpractice tribunal — a panel used in such cases — determined there’s enough possible evidence for the case to continue.

Discovery is underway, Thomas said. The case is scheduled to go to trial in 2025.

# Inside understaffing problem at Mass. nursing homes

**By GRETA JOCHEM**  
gjochem@repub.com

**NORTHAMPTON** — After ringing the bell to summon care, it could take hours for Samara Bynum of Springfield to get help at Highview of Northampton, a nursing home.

“They take forever to come to you,” Bynum said. She arrived at Highview in September 2023 with mobility and hip issues; she left this spring.

All current and former residents like Bynum who spoke with The Republican agreed the facility is understaffed. The nursing home has a rating of one star out of five from the U.S. Centers of Medicare & Medicaid Services and its total federal fines in the last three years is one of the highest amounts in Massachusetts and the highest in the state’s western four counties.

“Need assistance. Not enough staff. Laying in urine all day,” reads a complaint filed in late 2021 with the city health department. “Tired of being overlooked, hasn’t had a decent bath since she’s been there,” another complaint, from December 2023, reads.

“When she calls for help they do not come so she calls the local health department,” reads an adult protective services intake form the city health department filed.

About a dozen jobs at the facility were posted online in the last month.

“Nursing homes across Massachusetts and the country are experiencing staffing challenges,” Athena Health Care Systems spokesperson Savannah Ragali said in an emailed statement, in response to questions. The company is trying to recruit more staff, she said.

Highview’s overall staff hours per resident per day meet state Department of Public Health regulations, but its registered nurse care has not met state-mandated minimums.

In the third quarter of 2023, the most recent data from the U.S. Centers for Medicare & Medicaid Services, residents got an average of 22 minutes per day of time with a registered nurse, less than the Massachusetts Department of Public Health requirement of 30 minutes per day.

That’s not uncommon. Of the state’s 345 nursing homes that provide data to CMS, more than 100 reported average time with a registered nurse under the requirement. DPH says it enforces staffing regulations by using CMS data.

When asked if the state had fined any nursing homes for not meeting DPH’s registered nurse staffing requirements, a spokesperson did not answer that question. MassHealth, the state-run health insurance program, has its own similar staffing requirements that it enforces through fines or by withholding payments, the spokesperson said.

DPH fines are capped at \$50 for violations of any state long-term care regulations and laws, a spokesperson said. So far this year, the department has issued four fines across the state totaling \$200, a spokesperson said in mid-June. Last year, it issued \$200 in fines, including a singular \$50 fine to Highview, according to the DPH.

“It’s not enforced,” Paul Lanzikos — coordinator and co-founder of Dignity Alliance Massachusetts and a former state secretary of elder affairs — said of the DPH staffing requirements.

At the core of many nursing home issues is short-staffing and insufficient training, he said.

Understaffing in nursing homes is a problem across the country.

In late April, the Biden administration announced staffing standards for facilities that receive federal funding through Medicare and Medicaid.

The time minimums are similar to what Massachusetts already requires.

“Medicare and Medicaid pay billions of dollars per year to ensure that 1.2 million Americans that receive care in nursing homes are cared for, yet too many nursing homes chronically understaff their facilities, leading to substandard or unsafe care,” the White House said in a statement in April.

“Adequate staffing is proven to be one of the measures most strongly associated with safety and good care outcomes,” the statement says.

## Athena nursing home company sued for unpaid bills

**By GRETA JOCHEM**  
gjochem@repub.com

**NORTHAMPTON** — Athena Health Care Systems, the company that owns Highview of Northampton, is financially struggling in Connecticut, where it also owns nursing homes.

The company recently sold five nursing homes in Connecticut, the Connecticut Mirror reported last month. As part of the deal, the purchaser, National Health Care Associates, will settle unpaid taxes and other overdue bills, the outlet said. Athena owes more than \$45,000 in taxes

to the towns that are home to four of the facilities, according to the Connecticut Mirror.

In Massachusetts, where it owns about 20 facilities, court filings suggest that the company is also facing financial challenges.

Last month, a consulting company filed a lawsuit in Middlesex County alleging Athena owes it \$215,000 for unpaid consulting fees. The consultants reviewed 16 of the company’s facilities to make sure they complied with regulations, the complaint says. Invoices filed in court include services at Highview

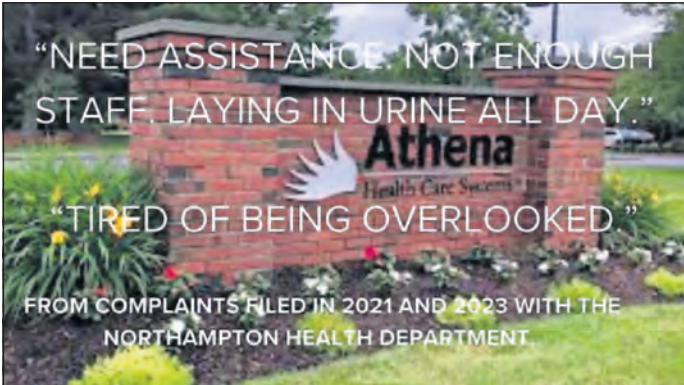
of Northampton, as well as Athena facilities around the state. An attached contract says that work includes mock surveys of state inspections. The company has not yet filed a response in court.

In May, a judge ruled Athena owed \$84,000 to a New Hampshire industrial equipment company after it sued Athena for unpaid bills for washing machines and services for them. A similar case in Norfolk County came to a close in May, when the court issued \$76,000 judgment against Athena after a company that provides

cleaning, property management and construction services sued over allegations of unpaid bills at a number of its facilities.

National Grid alleges in a lawsuit filed last year that Athena owes it more than \$300,000 for unpaid utility bills, damage and interest tied to service at Southbridge Rehabilitation & Health Care Center. Last week, the court issued a judgment against Athena for \$338,000 in the case.

Athena never filed a response and defaulted on the case.



Athena Health Care Systems owns Highview of Northampton, a nursing home. (PHOTO PROVIDED)

## Allegations

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Athena’s statement to The Republican did not directly answer questions about the Attorney General’s allegations and the signed agreement.

Ragali, the company spokesperson, said Athena aims to provide high-quality care and was one of the first nursing homes in Massachusetts to treat people with substance use disorder. “We offer specialized staff including substance use disorder counselors and aftercare coordinators ensuring residents’ safety and recovery,” she wrote in response to questions from The Republican.

The AG’s agreement also notes concerns about COVID-19 procedures at Highview, saying that in March through May of 2020, employees filled out a questionnaire saying they had been exposed or had symptoms of coronavirus, but worked nonetheless. “Some

of those employees tested positive shortly after working their shift,” the settlement says.

By the end of May 2020, 10 Highview residents died of COVID-19, according to federal data. How many workers, if any, died of COVID-19 is not recorded in the federal data.

Athena agreed to pay \$1.75 million to settle and the issue was never brought to court. By agreeing to the settlement, the company neither admits nor denies the allegations, the document says.

At the time, it was the largest settlement the AG’s office had leveled against a nursing home. It’s since been eclipsed by a \$4 million penalty announced in June for allegations of deliberate understaffing at facilities owned by Next Step, which runs nursing homes across the state. None are in the Connecticut River Valley.

Funds from the Athena settlement can’t go directly to those who were allegedly

harmed. Instead, the civil penalty goes into the state-wide Opioid Recovery and Remediation Fund, according to the AG’s office.

As part of the agreement, the company must participate in a three-year compliance program to improve its treatment of people with substance use disorder. An auditor will report every six months to the AG’s office.

Athena is complying with the requirements of the settlement and submitting audits, according to the AG’s office. But the office declined to detail what the audits say. A public records request for the documents was denied. The AG’s office said the reports are exempt from the public records law under provisions including one that keeps investigative materials private.

It’s not the first settlement of its kind between Athena and the state’s Attorney General’s Office. In 2017 at the Athena-owned Oxford Rehabilitation & Healthcare Center in Haverhill, a resident

overdosed but there was no Narcan — an opioid-overdose reversal medication — to give them, the AG’s office alleges in a separate 2019 resolution. The office declined to say whether the overdose was fatal. The company agreed to pay \$180,000 to settle that allegation and others that assert it admitted many people with substance use disorder but failed to adequately care for them.

In 2019, the company settled a complaint with the U.S. Attorney’s Office that its homes turned away people who needed treatment for opioid use disorder and thus violated the Americans with Disabilities Act.

Athena agreed to pay a \$10,000 penalty and adopt new policies and trainings, according to the U.S. Attorney’s Office.

**Working from within**

Postcards hang behind Ali’s bed at Highview. One depicts a bright LGBTQ rainbow. “Everyone,” it says.

Ali, a transgender woman, has her pronouns — she and her — posted outside the door to her room. “They still refer to me as the opposite gender, which is really hurtful and disrespectful,” she said of some staff at Highview.

It’s one of the issues she has at Highview.

Ali leads the residents’ council, which is making efforts to help residents. But it’s not easy. After Ali spoke to a government surveyor, staff didn’t bring her two meals that week, she said. She felt this was retribution for speaking out.

She hopes to move out, but lost her place to live while at Highview over the last few years. She’s been struggling to secure a new apartment.

A longtime friend visited Ali in the facility and saw the black mold. He said he coughed the rest of the day. He asked not to be identified by name because he is an openly transgender attorney and feared anti-transgender backlash.

He’s filed complaints with the state on Ali’s behalf, one of which he shared with The Republican, but the state hasn’t found evidence of noncompliance, he said. In a letter in response to one of his complaints, the DPH told him it gets about 20,000 complaints a year. It reviews them on a case-by-case basis.

To celebrate Ali’s birthday, the friend visited in May.

When he left, he could not get past the locked door at the end of her hallway connecting it to the lobby.

“I couldn’t get out,” he said, outraged that Ali is in a locked unit. “It’s insane.”

After the friend left, he began to cry. “I could not believe I was leaving my friend in those circumstances,” he said.

*Do you have a story to share about your or a loved one’s time spent in a nursing home in Massachusetts? Have a question about nursing homes that The Republican should look into? Contact reporter Greta Jochem at gjochem@repub.com.*