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## Americans with Disabilities Act Discrimination Complaints

Please confirm that this information is correct before submitting. Misspellings and other errors may delay the processing of your complaint. If you wish to retain a copy of this complaint, please print this page before hitting the "This is correct" button. You will not have another chance to print your completed form.

### Person filling out this form

**Last Name \***: Sherlock  
**First Name \***: James  
**Middle:**  
**Suffix:**  
**Address \***: 1245 E Bay Shore Drive  
**City \***: Virginia Beach  
**State \***: VA  
**ZIP \***: 23451  
**Telephone \***: 757-425-6771  
**Email \***: sherlockj1245@gmail.com

### Person(s) Discriminated Against

#### Person 1

**Last Name \***:  
**First Name \***:  
**Middle:**  
**Suffix:**  
**Address \***:  
**City \***:  
**State \***:  
**ZIP \***:  
**Telephone:**

### Discriminatory incident

**Name \***: Virginia Department of Health  
**Address:** 109 Governor Street  
**City \***: Richmond  
**State \***: VA  
**ZIP:** 23219

**Telephone Number:** 804-864-7001

**Date:** October 2019

**Primary type of disability \***: oth

**Issue \***: oth

Canterbury Rehabilitation and Healthcare Center in Richmond is the site of the nation's deadliest outbreak of COVID-19. The patients are nearly all Medicaid recipients. The majority are African American. The Virginia Department of Health (VDH) appears to bear significant responsibility. Registered nurses (RNs) constitute the senior and most highly qualified full time medical personnel at a nursing home - thus the term. Evidence unearthed from government records suggests that VDH is directly responsible for failing to ensure that Canterbury was properly staffed with RNs at the start of the COVID-19 outbreak. States are uniquely charged with inspection and oversight of nursing homes by and for the federal government. The Centers for Medicare/Medicaid Services (CMS) contracts with and funds each state to conduct annual Medicare/Medicaid nursing home certification inspections. It also gives states full authority and responsibilities to provide whatever level of correction they think appropriate within delegated federal authority, up to and including shutting them down. VDH based on the evidence available failed to carry out those responsibilities with respect to Canterbury and other nursing homes. A VDH inspection in October 2019 cited Canterbury for being understaffed with registered nurses. Later that same month VDH records indicate the staffing deficiency was corrected. I am unable to ascertain the underlying justification for that report of correction. In early 2020, Canterbury reported to VDH from payroll data (required by federal rules) that it provided only a third of the registered nurse hours required for population and health-adjusted patient care compared to an average nursing home nationwide. That indicated that contrary to the October report of corrected staffing deficiencies, VDH knew or had reason to know for months that Canterbury was badly understaffed and did nothing effective to fix it. The profits at the Canterbury facility under previous ownership in the latest year reported were nearly \$900,000, so it does not appear to be a situation in which lack of money was an issue. Further investigation of state and federal data show that more than half of Virginia's nursing homes currently are designated by Medicare as understaffed (2-stars) or badly understaffed (1-star) based on reporting posted on March 31, 2020. And yes, average (3-star) staffing is an available grade and the most prevalent one nationwide. All under the supposed watchful eye of VDH. I have written to the appropriate officials at CMS providing detailed evidence and requesting an audit of the execution of federal nursing home inspection and oversight requirements by the Virginia Department of Health. CMS will conduct such an audit because it is one of the best run agencies in the federal government and it is CMS authority that the Virginia Department of Health wields in its inspection and oversight of nursing homes. I have notified the HHS Inspector General in case CMS needs additional assistance. The Canterbury tragedy and the ongoing understaffing of Virginia's nursing homes cannot continue unaddressed. I am looking to the Justice Department to investigate whether a crime was committed in the systematic understaffing of nursing homes in Virginia without effective action by the Virginia Department of Health as was its duty to provide. I have detailed evidence of the failure of the state to carry out its duties to protect our most vulnerable citizens. You can refer to <https://www.baconsrebellion.com/wp/open-letter-canterbury-needs-a-federal-audit/> for additional detail. Please contact me any time for more details.

**Describe the acts of discrimination \***:

**Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, institution or business? \***: yes

**Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court? \***: no

**Agency or Court:**

By submitting this form, I certify that the information I have provided, to the best of my knowledge and belief, is true, accurate, and complete.

OMB No. 1190-0009. OMB Control No. 1190-0009. Form Expiration Date: September 30, 2021

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