



PROGRAM REPORT 2005

**California Advocates for
Nursing Home Reform**

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Program Report 2005

2005 is turning out to be a remarkable year. Remarkable in that, while the number of complaints against California's nursing homes and residential care facilities continue to rise, the oversight of California's 1,300+ nursing homes and 6,700+ residential care facilities for the elderly (RCFEs) continues to decline. RCFEs are now surveyed once every five years. 75% of the complaints filed against nursing homes are found to be "unsubstantiated," while the Department of Health Services admits that they don't even respond to the majority of complaints until the next survey. All of this has kept CANHR very busy over the past year.

Following are some of the highlights of our work in 2005:

Consumer Information and Assistance

During 2005, CANHR staff responded to over 2,000 inquiries a month from the consumer hotline and web feedback system, providing pre-placement counseling, information on residents' and consumer rights, assistance with complaints and referrals through our Lawyer Referral Services. The information that CANHR receives from consumers informs our advocacy and helps us to direct our resources to those policy areas identified by consumers of care.

Litigation

CANHR v. Schwarzenegger: In April 2005, CANHR filed suit against the Governor and the Department of Health Services challenging the adoption of "emergency" regulations pertaining to the Medi-Cal estate recovery program. In a victory for California's elder and disabled Medi-Cal consumers, the Administration agreed to pull the regulations and to comply with the public notice requirements of the Administrative Procedures Act.

CANHR v. Department of Health Services: In October 2005, CANHR, along with two family members of deceased nursing home residents, filed suit against the Department of Health Services to compel them to comply with California law regarding response to complaints against nursing homes. While the outcome of this case is still pending, the Department has freely admitted that they have not complied with the law regarding complaint response.

Legislation

Successful Legislation: CANHR successfully sponsored SB 141 (Soto), which will provide RCFE consumers with full or partial refunds of pre-admission fees; and SB 244 (Romero), which provides new rights for residents of Continuing Care Retirement Communities (CCRCs). Both bills were signed into law.

Residents' Rights Campaign: CANHR also co-sponsored SB 526 (Alquist), a comprehensive nursing home residents' rights protection act, which has been held over until the 2006 legislative session. The Coalition for the Residents' Rights Protection Act of 2005 Campaign collected over 20,000 petition signatures in support of SB 526. This campaign will continue in 2006 until SB 526 and companion bills are signed into law.

Public Policy Efforts

Standardized Admission Agreement: Effective 1/2/06, all nursing homes in California will be required to use a standardized admission agreement pursuant to regulations issued by the Department of Health Services. The result of legislation, SB 1061 (Vasconcellos) developed and co-sponsored by CANHR in 1997, it has taken the Department nearly ten years to finally implement this important legislation. During 2005, CANHR staff provided detailed comments on the proposed regulatory packages.

Legislative Hearings: CANHR' staff presented testimony at a number of legislative and committee hearings on issues such as residential care rights and nursing home enforcement issues, including the Joint Informational Hearing of the Senate Health Committee and the Subcommittee on Aging and Long-Term Care, on July 20 and November 4, 2005.

State Regulatory Agencies: CANHR staff also met regularly with representatives of the Departments of Social Services (DSS) and the Department of Health Services (DHS) to discuss issues pertaining to residential care, nursing homes and Medi-Cal. In 2004, staff participated in a number of meetings sponsored by DHS in their efforts to hastily implement the new facility-specific Medi-Cal rate system.

Federal Issues: CANHR staff submitted comments to CMS on a number of issues, including the proposed revised guidelines to surveyors regarding the use of unnecessary drugs in nursing homes and worked hard to educate Congressional members on the negative impacts of onerous Medicaid changes.

Outreach and Education

CANHR staff made numerous presentations in 2005 to community groups, family councils, social workers, health care providers, government agency staff and other advocates and policy makers throughout California. Topics included Medi-Cal for long-term care, estate recovery, residential care rights, nursing home enforcement, family councils and elder abuse, among others.

Legal Services Delivery

As a qualified Legal Services Support Center, CANHR staff provided California's legal services projects with training, advocacy assistance and/or technical assistance. CANHR staff also assisted hundreds of individual clients referred by legal services programs and others on a variety of issues, including illegal nursing home transfers, estate recovery, recoupment of money from facilities, Medi-Cal issues, conservatorship, elder fiduciary abuse, physical abuse, and nursing home abuse cases.

Lawyer Referral Service

CANHR's Lawyer Referral Services (LRS) currently has 123 participating attorneys on six specialized panels, all of whom agree to accept at least two pro bono and two reduced fee cases per year. In 2005, the LRS referred over 700 clients to panel attorneys and assisted hundreds of other consumers with various legal and consumer problems.

Awards/Recognitions

Attorney General's Award: In June of 2005, California's Attorney General Bill Lockyer presented his 2005 Distinguished Service Award for Elder Abuse Prevention by a Community-Based Organization to CANHR. The award honored CANHR for its "extraordinary courage, innovation, and service in the protection of California's elderly."

HICAP Ambassador Award: Mike Connors, CANHR's Southern California Advocacy Coordinator, was presented with the HICAP Ambassador Award for 2004-05 from the Center for Health Care Rights in Los Angeles. The award recognized excellence in collaborative efforts among members of the Medicare advocacy community.

A Special Thank You

CANHR's work in 2005 was made possible by the support of thousands of individual members and donors and by the volunteer time and expertise of CANHR's LRS Advisory Committee and our Board of Directors. We owe a special thanks to these unique individuals.

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We thank the following organizations/foundations for their support in 2005:

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